Government of Bombay
Legal Department

The Bombay Code

Volume III

PART III

Containing

The Bombay Regulations in force in Bombay from 1827 to 1831; the Local Acts of the Governor General in Council in force in Bombay from 1835 to 1894; the Unrepealed Acts of the Governor of Bombay in Council in force in Bombay from 1862 to 1920; and a Chronological Table of Acts with an Index

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THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1953.

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BOMBAY ACT No. I OF 1953.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1953.]

[*13th March 1953*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1953.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1953; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows :—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1953. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 13,91,26,789 towards defraying the several charges which will come in course of payment during the year ending on the thrity-first day of March 1953 in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs 13,91,26,789 out of the Consolidated Fund of the State of Bombay for the year 1952-53.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1953. Appropriation.

SCHEDULE.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	80	43,604	43,684
2	Forest ...	10, Forest ...	11,18,030	61	11,18,091
3	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	64,010	38,03,000	38,67,010
4	Other Taxes and Duties...	13, Other Taxes and Duties.	1,02,777	61,00,000	62,02,777

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 110.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses "18, other revenue expenditure financed from ordinary revenues" and "19, Construction of Irrigation, Navigation, Embankment and Drainage Works"	53,41,200	25,550	53,66,750
6	Interest on debt and other obligations.	22, Interest on debt and other obligations.	.....	25,96,000	25,96,000
7	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	.....	15,84,000	15,84,000
8	General Administration ...	25, General Administration.	42,84,936	40,490	43,25,426
9	Administration of Justice.	27, Administration of Justice.	16,020	21,239	37,259
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12	Dangs ...	33-A, Dangs District	35,610	.....	35,610
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14	Education ...	37, Education ...	19,44,220	584	19,44,804
15	Medical ...	38, Medical ...	70	.....	70
16	Public Health ...	39, Public Health...	50,020	.....	50,020
17	Agriculture ...	40, Agriculture ...	44,96,205	.....	44,96,205

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
18	Veterinary	41, Veterinary ..	30	....	30
19	Co-operation	42, Co-operation ..	50	....	50
20	Industries	43, Industries ..	10	59,332	59,342
21	Miscellaneous Departments (except labour).	47, Miscellaneous Departments.	15,29,735	3,200	15,37,935
22	Labour	47, Miscellaneous Departments.	120	....	120
23	Civil Works	50, Civil Works ..	60,50,046	1,00,288	61,50,334
24	Electricity Schemes ..	XLI, Receipts from Electricity Schemes—*Deduct*—Working Expenses.	44,000	....	44,000
25	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	10	....	10
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27	Famine	54, Famine ..	1,31,25,000	8,56,000	1,39,81,000
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34	Civil Defence ..	64-B, Civil Defence.	19,485	....	19,485
		Total Expenditure charged to Revenue.	4,91,91,413	1,52,43,385	6,44,34,798

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
35	Irrigation	68, Construction of Irrigation, etc. Works.	1,00,00,120	....	1,00,00,120
36	Agricultural improvement and research.	71, Capital Outlay on Agricultural improvement and research.	10	....	10
37	Industrial Development ..	72, Capital Outlay on Industrial Development.	1,51,93,171	....	1,51,93,171
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43	State Schemes connected with State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	80	....	80
		Total Expenditure charged to Capital.	2,75,79,371	....	2,75,79,371
44	Permanent Debt ..	Permanent Debt ..	....	65,59,080	65,59,080
45	Floating Debt ..	Floating Debt ..	....	3,80,00,000	3,80,00,000
46	Loans from the Central Government.	Loans from the Central Government.	....	24,64,000	24,64,000
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THE BOMBAY SALES TAX ACT, 1953.

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BOMBAY ACT No. III OF 1953.[1]

[THE BOMBAY SALES TAX ACT, 1953.]

[*25th March 1953*]

Amended by Bom. 10 of 1954.*†

An Act to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the Bombay Sales Tax Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force at once [2]* * * * *

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*1*) "agriculture" with its grammatical variations includes horticulture, the raising of crops, grass or garden produce, and grazing, but does not include dairy farming, poultry farming, stock breeding and mere cutting of wood;

(*2*) "agriculturist" means a person who cultivates land personally;

[3][(*2A*) "appointed day" means the day which the State Government may appoint under sub-section (*2*) of section 1 of the Bombay Sales Tax (Amendment) Act, 1953;

Bom. X of 1954.

(*2B*) "authorization" means an authorization granted under section 12A;]

(*3*) "to cultivate" with its grammatical variations and cognate expressions means to carry on any agricultural operation;

(*4*) "to cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of one's own family, or

(*iii*) by servants on wages payable in cash or kind but not in crop share, or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 146.

[2] The words, figures and letters "and shall continue in force up to the 31st day of March 1954" were deleted by Bom. 10 of 1954, s. 2.

[3] Clauses (*2A*) and (*2B*) were inserted by Bom. 10 of 1954, s. 3(*1*).

* Sub-section (*2*) of section 1 of Bom. 10 of 1954, reads as follows:—

"(*2*) This section and sections 2 and 24 shall come into force at once and the remaining sections shall come into force on such day as the State Government may, by notification in the *Official Gazette*, appoint in this behalf."

† Section 29 of Bom. 10 of 1954 reads as follows:—

Saving.

"29. Nothing in this Act shall be deemed to affect anything done before the day appointed under sub-section (*2*) of section 1 of this Act or any right acquired or any obligation or liability incurred before the aforesaid day or any legal proceedings or remedy in respect of any such right, obligation or liability or assessment levy or recovery of tax or the imposition or recovery of any penalty; and any such right, obligation, liability or remedy may be enforced and any such legal proceeding may be instituted or continued and any such tax may be assessed, levied or recovered and any such penalty may be imposed or recovered, as if sections 3 to 28 had not come into force.

Explanation I.—A person who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;

Explanation II.—In the case of an undivided Hindu family the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family ;

(*5*) " Collector " means the Collector of Sales Tax appointed under section 3 ;

(*6*) " dealer " means any person who carries on the business of [1][selling or buying] goods in the State of Bombay, whether for commission, remuneration or otherwise and includes a State Government which carries on such business and any society, club or association which sells goods to [2][, or buys goods from,] its members ;

Explanation.—The manager or agent of a dealer who resides outside the State of Bombay and carries on the business of [3][selling or buying goods] in the State of Bombay shall, in respect of such business, be deemed to be a dealer for the purposes of this Act ;

Exception.—An agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally shall not be deemed to be a dealer within the meaning of this clause ;

[4][(*7*) " general sales tax " means the tax leviable under section 9 ;]

(*8*) " goods " means all kinds of movable property other than newspapers, actionable claims, stocks, shares and securities, and includes all materials, articles and commodities ;

[5][(*9*) " licence " means a licence granted under section 12 ;

(*9A*) " outside goods purchase tax " means the tax leviable under section 10C ;]

(*10*) " prescribed " means prescribed by rules ;

[6][(*10A*) " purchase price " means the amount of valuable consideration payable by a person for the purchase of any goods, less any sum allowed by the seller as cash discount according to trade practice, but including any sum charged for anything done by the seller in respect of the goods at the time of or before delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged ;

(*10B*) " purchase tax " means the tax leviable under section 10 ;]

(*11*) " registered dealer " means a dealer registered under [7][section 11] ;

(*12*) " rules " means rules made under this Act ;

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[1] These words were substituted for the word " selling " by Bom. 10 of 1954, s. 3 (*2*) (*a*).
[2] These words were inserted, *ibid*, s. 3 (*2*) (*b*).
[3] These words were substituted for the words " selling goods ", *ibid*, s. 3 (*3*).
[4] Clause (*7*) was substituted for the original, *ibid*, s. 3 (*4*).
[5] Clauses (*9*) and (*9A*) were substituted for clause (*9*), *ibid*, s. 3 (*5*).
[6] Clauses (*10A*) and (*10B*) were inserted, *ibid*, s. 3 (*6*).
[7] The word and figures were substituted for the word and figure " section 9 ", *ibid*, s. 3 (*7*).

(*13*) "sale" means a sale of goods made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription, but does not include a mortgage, hypothecation, charge or pledge; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly;

Explanation.—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930, [1][the sale or purchase] of any goods which have actually been delivered in the State of Bombay as a direct result of [2][such sale or purchase] for the purpose of consumption in the said State, shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the goods has, by reason of [2][such sale or purchase] passed in another State;

III of 1930.

(*14*) "sale price" means the [3][amount of valuable consideration payable to a dealer] for the sale of any goods, less any sum allowed as cash discount according to trade practice, but including any sum charged for anything done by the dealer in respect of goods at the time of or before delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged;

[4][(*14A*) "sales tax" means the tax leviable under section 8;]

(*15*) "Schedule" means a schedule appended to this Act;

[5]* * * * *

[6]* * * * * *

[7][(*18*) "tax" means the sales tax, general sales tax, purchase tax or outside goods purchase tax payable under this Act;]

(*19*) "Tribunal" means the Tribunal constituted under section 4;

[8][(*19A*) "turnover of purchases" means the aggregate of the amounts of purchase price paid and payable by a dealer in respect of any purchase of goods made by him during a given period, after deducting the amount, if any, refunded to the dealer by the seller in respect of any goods purchased from the seller and returned to him within the prescribed period;]

(*20*) "[9][turnover of sales]" means the aggregate of the amounts of sale price received and receivable by a dealer in respect of any sale of goods made during a given period after deducting the amount, if any, refunded by the dealer to a purchaser, in respect of any goods purchased and returned by the purchaser within the prescribed period; and

(*21*) "year" means the financial year.

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[1] These words were substituted for the words "the sale" by Bom. 10 of 1954, s. 3 (*8*).
[2] These words were substituted for the words "such sale", *ibid.*
[3] These words were substituted for the words "amount payable to a dealer as valuable consideration", *ibid*, s. 3 (*9*).
[4] Clause (*14A*) was inserted, *ibid*, s. 3 (*10*).
[5] Clause (*16*) was deleted, *ibid*, s. 3 (*11*).
[6] Clause (*17*) was deleted, *ibid*.
[7] Clause (*18*) was substituted for the original, *ibid*, s. 3 (*12*).
[8] Clause (*19A*) was inserted, *ibid*, s. 3 (*13*).
[9] These words were substituted for the word "turnover", *ibid*, s. 3 (*14*).

CHAPTER II.

Sales-tax Authorities and Tribunal.

Taxing Authorities.

3. (*1*) For carrying out the purposes of this Act the State Government may appoint any person to be a Collector of Sales Tax, and such other persons to assist him as the State Government thinks fit.

(*2*) A person appointed under sub-section (*1*) shall, within the limits of the area specified to be within his jurisdiction, exercise such powers as may be conferred and perform such duties as may be imposed on him by or under this Act.

Tribunal.

4. (*1*) The State Government shall constitute a Tribunal to exercise the functions conferred on it by or under this Act.

(*2*) The Tribunal shall consist of not more than three persons possessing such qualifications as may be prescribed.

(*3*) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business.

(*4*) Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.

(*5*) Subject to the previous sanction of the State Government, the Tribunal shall frame regulations consistent with the provisions of this Act and the rules for regulating its procedure and the disposal of its business.

(*6*) The regulations made under sub-section (*5*) shall be published in the *Official Gazette.*

[1][CHAPTER III.

Incidence and levy of tax

Incidence of tax.

5. (*1*) Every dealer whose turnover either of all sales or of all purchases made during—

(*a*) the year ending on the 31st March 1954,

or

(*b*) the year commencing on the 1st April 1954,

has exceeded or exceeds—

(*i*) in the case of a dealer who brings any goods into the State of Bombay or to whom any goods are despatched from any place outside the State of Bombay whether by land, water or air, Rs. 10,000 provided that the aggregate value of the goods so brought or despatched during the said period is not less than Rs. 2,500;

(*ii*) in the case of a dealer who produces, collects, extracts, manufactures or processes any goods, Rs. 10,000, provided that the value of the goods produced, collected, extracted, manufactured or processed during the said period is not less than Rs. 2,500;

(*iii*) in the case of any other dealer Rs. 25,000

shall be liable to pay the tax under this Act on his turnover of sales and his turnover of purchases made on or after the appointed day:

Provided that a dealer to whom clause (*a*) does not apply but clause (*b*) applies shall not be liable to pay the tax in respect of such sales and purchases as take place up to the time when his turnover of sales as computed from the 1st April 1954 first exceeds the above limits or his turnover of purchases so computed first exceeds the above limits whichever event occurs earlier.

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[1] Chapters III and IV were substituted for the original by Bom. 10 of 1954, s. 4.

(*2*) Every dealer to whom sub-section (*1*) does not apply shall, subject to the provisions of sub-section (*5*), be liable to pay the tax under this Act with effect from the first day of April of the year during which either his turnover of sales or his turnover of purchases first exceeds the limits specified in sub-section (*1*).

(*3*) Every dealer who has become liable to pay the tax under this Act shall continue to be so liable until the cancellation of his registration under sub-section (*6*) of section 11, and upon such concellation his liability to pay the tax shall cease.

(*4*) Every dealer whose liability to pay the tax under this Act has ceased under the provisions of sub-section (*3*) shall, subject to the provisions of sub-section (*5*), again become liable to pay the tax under this Act with effect from the first day of April of the year during which either his turnover of sales or his turnover of purchases again exceeds the limits specified in sub-section (*1*).

(*5*) A dealer to whom sub-section (*2*) or sub-section (*4*) applies shall not be liable to pay the tax during the year specified in that sub-section in respect of such sales and purchases as take place up to the time when his turnover of sales during the said year first exceeds the limits specified in sub-section (*1*), or his turnover of purchases during the said year first exceeds the said limits, whichever event occurs earlier.

Taxes payable by a dealer.

6. (*1*) Subject to any rules made under section 18B there shall be paid by every dealer who is liable to pay tax under this Act—

(*a*) a sales tax on his sales levied in accordance with the provisions of section 8,

(*b*) a general sales tax on his sales levied in accordance with the provisions of section 9, and

(*c*) a purchase tax on his purchases levied in accordance with the provisions of section 10.

(*2*) The tax payable by a dealer under any clause of sub-section (*1*) shall be paid in addition to the tax or taxes, if any, payable by such dealer under any other clause or clauses of the said sub-section.

Goods free from all taxes.

7. (*1*) No tax under this Act shall be payable on the sales or purchases of goods specified in column 1 of Schedule A, subject to the conditions or exceptions, if any, set out in the corresponding entry in column 2 thereof.

(*2*) The State Government may, by notification published in the *Official Gazette*, add to or enlarge any entry in Schedule A or relax or omit any of the conditions or exceptions specified therein and thereupon the said Schedule shall be deemed to have been amended accordingly.

Levy of sales tax.

8. Subject to the provisions of section 7, there shall be levied a sales tax on the turnover of sales of goods specified in column 1 of Schedule B at the rate, if any, specified against them in column 2 of the said Schedule, after deducting from such turnover—

(*a*) sales of goods—

(*i*) which have been purchased from a registered dealer on or after the appointed day, or

(*ii*) on the purchase of which the dealer has paid or is liable to pay the purchase tax :

Provided that the goods have not been processed or altered in any manner after such purchase ;

(*b*) sales of goods to a dealer who holds an authorization and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for being despatched by him, or by registered dealers to whom he sells the goods, to an address outside the State of Bombay:

Provided that—

(*i*) where a certificate has been furnished under this clause in respect of any goods, the purchasing dealer shall not be entitled to claim a deduction under this clause in respect of his sale of the said goods; and

(*ii*) where any goods to which this clause applies are not shown to the satisfaction of the Collector to have been despatched by the purchasing dealer, or by a person to whom he has sold the goods, to an address outside the State of Bombay within a period of six months from the date of purchase by the dealer furnishing the certificate, the said dealer shall be liable to pay a purchase tax under clause (*b*) of section 10 on the purchase of such goods;

Explanation.—For the purpose of this section a purchase of goods shall not include any purchase which is not liable to tax by virtue of the provisions of section 46.

Levy of general sales tax.

9. Subject to the provisions of section 7, there shall be levied a general sales tax on the turnover of sales of goods specified in column 1 of Schedule B at the rates, if any, specified against them in column 3 of the said Schedule:

Provided that—

(*1*) no general sales tax shall be levied on the sales of goods to a dealer who holds a licence and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for resale by him;

(*2*) no general sales tax shall be levied on the sales of any goods other than those specified in entries 1 to 18 (both inclusive) of Schedule B to a dealer who holds a licence and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for use by him, in the prescribed manner, in the manufacture or processing of any goods for sale; and

(*3*) the rate of general sales tax leviable on the sale of any goods specified in entries 9 to 18 (both inclusive) of Schedule B to a registered dealer who furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for use by him, in the prescribed manner, in the manufacture or processing of any goods for sale shall be three pies in the rupee.

Explanation.—For the purpose of the certificates under this section the word "sale" or "resale" includes a sale which does not take place within the State of Bombay.

Levy of purchase tax.

10. Subject to the provisions of section 7, there shall be levied a purchase tax on the turnover of purchases of goods specified in column 1 of Schedule B, at the rates, if any, specified against such goods in column 4 of the said Schedule,—

(*a*) where such goods are purchased from a person who is not a registered dealer;

(*b*) where a certificate under clause (*b*) of section 8 has been furnished in respect of such goods and the purchasing dealer does not show to the satisfaction of the Collector that the goods have been despatched by him or by a person to whom he has sold the goods to an address outside the State of Bombay within a period of six months from the date of purchase by the dealer furnishing such certificate:

Provided that no purchase tax shall be levied under clause (*a*) on the purchase of any goods specified in entries 1 to 18 (both inclusive) of Schedule B if such goods are sold by the dealer after such purchase.

Election of dealers to pay either purchase tax or sales tax.

10A. (*1*) Notwithstanding anything contained in section 8 or 10, a registered dealer who is liable to pay the purchase tax under clause (*a*) of section 10 on the purchases of goods (hereinafter called the said goods) may elect to pay either (*a*) the purchase tax on such purchases or (*b*) the sales tax, if any on the sale of the said goods when they are sold without being processed or altered in any manner. If he elects to pay the purchase tax on the purchase of the said goods, he shall not be liable to pay the sales tax on the sale of the said goods and if he elects to pay the sales tax on the sale of the said goods, he shall not be liable to pay the purchase tax, on the purchase of the said goods.

(*2*) Such election shall be made by an application to the Collector in the prescribed form and manner and within the prescribed period.

(*3*) The election so made shall take effect from the date on which the application is received by the Collector and shall be in force and shall not be revoked until the dealer ceases to be liable to pay the tax.

Explanation.—For the purpose of sub-section (*1*) a sale of goods shall include a sale which does not take place within the State of Bombay.

Power to omit entries in Schedule B.

10B. The State Government may, by notification published in the *Official Gazette*, omit from Schedule B any of the entries or part thereof except entries 1 to 24 (both inclusive) or reduce the rate of tax specified in column 2, 3 or 4 of the said Schedule in respect of any of the entries of the said Schedule or part thereof.

Outside goods purchase tax.

10C. In the case of such goods as may be specified by the State Government by notification in the *Official Gazette* from time to time, which have been despatched or brought from any place in India outside the State of Bombay and are actually delivered as a direct result of a purchase to a buyer in the State of Bombay for consumption therein, there shall be paid by such buyer on such purchase an outside goods purchase tax levied at such rate not exceeding twenty-one pies in the rupee as may be specified in such notification, unless the buyer produces a declaration made by the seller of such goods in the prescribed form certifying that the seller is a registered dealer and shall pay the tax on such sale in due course :

Provided that no such tax shall be levied on the purchase of any goods by a registered dealer if after the purchase the goods are sold by him or used by him in the prescribed manner in the manufacture or processing of any goods for sale.

CHAPTER IV.

Registration of and grant of licences and authorizations to dealers.

Registration of dealers.

11. (*1*) No dealer shall while being liable to pay tax under this Act carry on business as a dealer unless he has applied for registration within such period as may be prescribed :

Provided that for the purpose of this sub-section the turnover of sales and the turnover of purchases shall be calculated without excluding any sale or purchase on which no tax may be payable under the provisions of this Act.

(*2*) Every dealer required by sub-section (*1*) to apply for registration shall make an application in that behalf in the prescribed manner to the prescribed authority.

(*3*) If the prescribed authority is satisfied that an application for registration is in order, it shall, in accordance with such rules as may be made for this purpose register the applicant and grant him a certificate of registration in the prescribed form.

(*4*) The prescribed authority may, from time to time, amend any certificate of registration after considering the information furnished under section 25 or otherwise received.

(*5*) When any dealer has been convicted under section 36 or has paid composition money under section 39 in respect of any contravention of sub-section (*1*), the prescribed authority shall register such dealer and grant him a certificate of registration and such registration shall take effect as if it had been made under sub-section (*3*) on the dealer's application.

(*6*) When—

(*a*) any business in respect of which a certificate has been granted under this section has been discontinued or transferred, or

(*b*) in the case of a dealer, neither his turnover of sales nor his turnover of purchases has during any year exceeded the limits specified in sub-section (*1*) of section 5 and the dealer has applied in the prescribed manner for cancellation of his registration,

the prescribed authority shall cancel the registration with effect from the prescribed date.

(*7*) Every dealer whose registration under this Act was in force immediately before the appointed day shall, notwithstanding anything contained in sub-section (*2*), be deemed to be duly registered under sub-section (*3*) for such period not exceeding six months from the appointed day as may be prescribed.

Licences to registered dealers.

12. (*1*) A registered dealer, whose turnover of sales during the previous or current year has exceeded Rs. 50,000 and who satisfies such further requirements as may be prescribed, may obtain a licence from the Collector for the purpose of section 9 and such licence shall be granted in such manner and in such form and subject to such conditions as may be prescribed.

(*2*) The Collector shall cancel the licence if the registration of the holder is cancelled or his turnover of sales during any year fails to exceed Rs. 50,000.

(*3*) If the holder of a licence granted under sub-section (*1*) fails to pay any tax including penalty payable by him under this Act or contravenes any of the provisions of this Act, the Collector may, after giving such holder a reasonable opportunity of being heard, suspend such licence for such period as may be necessary or cancel the same.

(*4*) The Collector may refuse to grant a licence to a dealer,—

(*a*) if the licence granted to such dealer has been cancelled,

(*b*) during the period of suspension of his licence, if it has been suspended at any time, or

(*c*) if such dealer,

(i) has failed to pay any tax including penalty payable by him under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1952, or this Act,

Bom. V of 1946. Bom. Ordinance No. III of 1952.

(ii) has failed without sufficient cause to furnish any return required under any of the said Acts or Ordinance, or

(iii) is convicted of any offence punishable under any of the said Acts or Ordinance.

(*5*) The Collector may also refuse to grant a licence to any person to whom the business of such dealer has been transferred.

Explanation.—For the purpose of this section the turnover of sales shall not include any sales of goods delivered in the State of Bombay to a person who is not a registered dealer but shall include sales of goods which do not take place within the State of Bombay.

Authorization to certain dealers.

12A. (*1*) The Collector may, on application, grant an authorization to any registered dealer whose turnover of sales of goods—

(*i*) exported by him outside the territory of India or despatched by him to an address at any place in India outside the State of Bombay, and

(*ii*) sold by him to a registered dealer and exported by such dealer outside the territory of India or despatched by such dealer to an address at any place in India outside the State of Bombay,

has during the previous or current year exceeded Rs. 50,000 and who satisfies such further requirements as may be prescribed.

(*2*) Such authorization shall be granted in such manner and in such form and subject to such conditions as may be prescribed and shall be renewable from year to year.

(*3*) The Collector shall cancel the authorization if the registration of the holder is cancelled or his turnover of sales specified in sub-section (*1*) during any year fails to exceed Rs. 50,000.

(*4*) If the holder of an authorization fails to pay any tax including penalty payable by him under this Act or contravenes any of the provisions of this Act, the Collector may, after giving such holder a reasonable opportunity of being heard, suspend such authorization for such period as may be necessary or cancel the same.

(*5*) The Collector may refuse to grant an authorization to a dealer,—

(*a*) if the authorization granted to such dealer has been cancelled,

(*b*) during the period of suspension of his authorization, if it has been suspended at any time, or

(*c*) if such dealer,

Bom. V of 1946. Bom. Ordinance No. III of 1952.

(*i*) has failed to pay any tax including penalty payable by him under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1952, or this Act,

(*ii*) has failed without sufficient cause to furnish any return required under any of the said Acts or Ordinance, or

(*iii*) is convicted of any offence punishable under any of the said Acts or Ordinance.

(*6*) The Collector may also refuse to grant an authorization to any person to whom the business of such dealer has been transferred.

Explanation.—For the purpose of this section the turnover of sales shall include sales of goods which do not take place within the State of Bombay.]

CHAPTER V.

Returns, assessment, payment, [1][*recovery, composition and refund of tax.*]

Returns.

13. (*1*) [2][(*a*) Every registered dealer, and

(*b*) any other dealer whose turnover of sales or turnover of purchases the Collector has reason to believe is likely to exceed the limits specified in sub-section (*1*) of section 5, if required so to do by the Collector by notice served in the prescribed manner,

shall furnish] such returns by such dates and to such authority as may be prescribed :

Provided that the Collector may, subject to such terms and conditions as may be prescribed, permit any dealer required to furnish returns under this section, to furnish them for such different periods as he may direct.

[3][(*1A*) If in consequence of any information which has come into his possession, the Collector is satisfied that either the turnover of sales or the turnover of purchases of any dealer has, during any year, exceeded or is likely to exceed—

(*a*) Rs. 8,000, in the case of a dealer falling under clause (*i*) or (*ii*) of sub-section (*1*) of section 5 ;

(*b*) Rs. 20,000, in the case of any other dealer,

he may by notice served in the prescribed manner require such dealer to furnish returns as if he were a dealer liable to pay tax, but no tax shall be payable by such dealer otherwise than in accordance with the provisions of this Act.]

(*2*) If any dealer having furnished returns under sub-section (*1*) discovers any omission or wrong statement therein, he may furnish a revised return before the expiry of three months next following the period to which such return relates.

Assessment of taxes.

14. (*1*) The amount of the tax due from a registered [4]* * * * dealer shall be assessed separately for each year during which he is liable to pay the tax :

Provided that when a dealer has failed to furnish any return relating to any period in a year by the prescribed date, the Collector may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year :

Provided further that the Collector may, subject to such conditions as may be prescribed, and for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year.

(*2*) If the Collector is satisfied without requiring the presence of a dealer or the production by him of any evidence that the returns furnished in respect of any period are correct and complete, he shall assess the amount of the tax due from the dealer on the basis of such returns.

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[1] These words were substituted for the words " recovery and refund of the tax and levy of tax on purchases " by Bom. 10 of 1954, s. 5.

[2] This portion was substituted for the words beginning with the words " Every registered dealer " and ending with the words " shall furnish ", *ibid*, s. 6 (*1*).

[3] Sub-section (*1-A*) was inserted, *ibid*, s. 6 (*2*).

[4] The words " or a licensed " were deleted, *ibid*, s. 7 (*1*).

(*3*) (*a*) If the Collector is not satisfied without requiring the presence of a dealer who has furnished his returns or the production of evidence that the returns furnished in respect of any period are correct and complete, he shall serve on such dealer a notice in the prescribed manner requiring him, on a date and at a place specified therein either to attend in person or to produce or to cause to be produced any evidence on which such dealer may rely in support of such returns or such other evidence as may be specified in such notice.

(*b*) On the date specified in the notice or as soon afterwards as may be, the Collector shall, after considering such evidence as the dealer may produce and such other evidence as the Collector may require on specified points, assess the amount of the tax due from the dealer.

(*4*) If a dealer having furnished returns in respect of a period fails to comply with the terms of the notice issued under sub-section (*3*), the Collector shall assess to the best of his judgment, the amount of the tax due from the dealer.

(*5*) If a dealer does not furnish returns in respect of any period by the prescribed date, the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of the tax, if any, due from the dealer.

(*6*) If upon information which has come into his possession, the Collector is satisfied that any dealer has been liable to pay the tax in respect of any period but has failed to apply for registration [1]* * , the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of the tax, if any, due from the dealer in respect of such period and all subsequent periods.

(*7*) In cases where the Collector, while making an assessment under sub-section (*6*), is satisfied that the dealer has wilfully failed to apply for registration [2]* * * *, the Collector may direct the dealer to pay by way of penalty, in addition to the amount of the tax assessed under sub-section (*6*), a sum not exceeding one and half times that amount.

(*8*) Any assessment made under this section shall be without prejudice to any prosecution for an offence under this Act.

Turnover escaping assessment.

15. If in consequence of any information which has come into his possession the Collector is satisfied that any turnover in respect of [3][sales or purchases] of any goods chargeable to the tax has escaped assessment in any year or has been under-assessed or assessed at a lower rate or any deductions have been wrongly made therefrom, the Collector may, in any case where he has reason to believe that the dealer has concealed the particulars of such [3][sales or purchases] or has knowingly furnished incorrect returns, at any time within five years, and in any other case, at any time within three years, of the end of that year, serve on the dealer liable to pay the tax in respect of such turnover a notice containing all or any of the requirements which may be included in a notice under sub-section (*3*) of section 14 and may proceed to assess or re-assess the amount of the tax due from such dealer and the provisions of this Act shall apply accordingly as if the notice were a notice served under that sub-section.:

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[1] The words "or licence" were deleted by Bom. 10 of 1954, s. 7 (*2*).
[2] The words "or for the grant of a licence" were deleted, *ibid*, s. 7 (*3*).
[3] These words were substituted for the word "sales", *ibid*, s. 8.

Provided that the amount of the tax shall be assessed after making the deductions permitted from time to time under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1952, and this Act, as the case may be, at the rates at which it would have been assessed had the turnover not escaped assessment or full assessment, as the case may be : Bom. V of 1946. Bom. Ordinance No. III of 1952.

Provided further that where in respect of such turnover or deduction, as the case may be, an order has already been passed under section 30 or section 31, the Collector shall make a report to the appropriate appellate or revising authority, as the case may be, which shall thereupon after giving the dealer concerned a reasonable opportunity of being heard, pass such order as it deems fit.

Payment and recovery of tax.

16. (*1*) The tax shall be paid in the manner hereinafter provided at such intervals as may be prescribed.

(*2*) Before any registered [1]* * dealer furnishes the returns required by sub-section (*1*) of section 13, he shall, in the prescribed manner, pay into a Government treasury the full amount of the tax due from him according to such returns.

(*3*) Before any registered dealer [2]* * * furnishes a revised return in accordance with sub-section (*2*) of section 13 which shows a greater amount of tax to be due than was payable in accordance with the original return, he shall pay into a Government treasury the extra amount of the tax.

(*4*) If the tax is not paid by any dealer within the prescribed time, the dealer shall pay, by way of penalty in addition to the amount of tax, [3][a sum equal to—

(*i*) one per cent. of the amount of tax for each month for the first three months after the expiry of the prescribed time, and

(*ii*) two and one-half per cent. for each month subsequent to the first three months as aforesaid

during which he continues to make default in the payment of the tax :]

Provided that where the tax has not been paid by any dealer within the prescribed time but the dealer has filed an appeal or an application for revision in respect of such tax, the authority hearing the appeal or the application for revision may direct that the penalty in respect of any period shall be paid at such rate as it may think fit, the rate being not less than one per cent. and not more than two and one-half per cent. of the amount of tax for each month :

Provided further that the Collector may, subject to such conditions as may be prescribed, remit the whole or part of the amount of the penalty payable by a dealer in respect of any period under this sub-section.]

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[1] The words " or licensed " were deleted by Bom. 10 of 1954, s. 9 (*1*).

[2] The words " or licensed dealer " were deleted, *ibid*, s. 9 (*2*).

[3] This portion was substituted for the words beginning with the words " a sum equal to " and ending with the words " payment of the tax ", *ibid*, s. 9 (*3*).

(*5*) (*i*) The amount of tax—

(*a*) due where the returns are furnished without full payment thereof, or
(*b*) assessed for any period under section 14 or under section 15 less the sum, if any, already paid by the dealer in respect of such period, or

(*ii*) the amount of the penalty payable under sub-section (*4*),

shall be paid by the dealer into a Government treasury by such date as may be specified in a notice issued by the Collector for this purpose and the date to be so specified shall be not less than thirty days from the date of service of such notice :

Provided that the Collector may, in respect of any particular dealer and for reasons to be recorded in writing, extend the date of such payment or allow such dealer to pay the tax due and the penalty, if any, by instalments.

(*6*) Any amount of the tax together with the penalty, if any, which remains unpaid after the date specified in the notice issued under sub-section (*5*) shall be recoverable as an arrear of land revenue.

Special mode of recovery.

17. (*1*) Notwithstanding anything contained in any law or contract to the contrary, the Collector may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Collector, require—

(*a*) any person from whom any amount is due or may become due to a dealer on whom a notice has been served under sub-section (*5*) of section 16, or

(*b*) any person who holds or may subsequently hold money for or on account of such dealer,

to pay to the Collector, either forthwith upon the money becoming due or being held, or at or within the time specified in the notice (not being before the money becomes due or it is held), so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of the tax and penalty under this Act or the whole of the money when it is equal to or less than that amount.

Explanation.—For the purposes of this sub-section, the amount due to a dealer or money held for or on account of a dealer by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such dealer to such person and as may be lawfully subsisting.

(*2*) The Collector may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(*3*) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the Collector shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(*4*) Any person discharging any liability to the dealer after receipt of the notice referred to in this section shall be personally liable to the Collector to the extent of the liability discharged or to the extent of the liability of the dealer for tax and penalties, whichever is less.

(*5*) Where a person to whom a notice under this section is sent proves to the satisfaction of the Collector that the sum demanded or any part thereof is not due to the dealer or that he does not hold any money for or on account of the dealer, then, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, to the Collector.

(*6*) Any amount of money which a person is required to pay to the Collector or for which he is personally liable to the Collector under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue.

[6][Payment and recovery of outside goods purchase tax.]

18. [1][(*1*)] Every buyer to whom [2][section 10C] applies, shall furnish the prescribed authority with a statement in the prescribed form within the prescribed time regarding [3][his purchases to which section 10C applies] and shall also pay the tax in the prescribed manner, or produce a declaration of the seller, if any.

[4][(*2*)] The provisions of sub-sections (*5*) and (*6*) of section 16, and the provisions of section 17 shall apply to any amount of the tax payable under [5][section 10C].

Composition of tax.

[7][**18A.** The Collector may in such circumstances and subject to such conditions as may be prescribed permit any dealer to pay in lieu of the amount of tax leviable from him under section 8, 9, 10 or 10A in respect of any period, a lump sum by way of composition determined in the prescribed manner.

Rules for granting drawback, set-off, refund, etc.

18B. (*1*) The State Government may by rules provide that—

(*a*) the tax leviable under section 8, 9, 10 or 10A shall not be payable in respect of any specified class of sales or purchases;

(*b*) a drawback, set-off or refund of the whole or part of the tax leviable on any class of sales or purchases under section 8, 9, 10 or 10A shall be granted to the purchasing dealer in such circumstances and subject to such conditions as may be specified;

(*c*) the sale price or purchase price shall in the case of any class of sales or purchases be reduced for the purpose of levy of tax under section 8, 9, 10 or 10A to such extent and in such manner as may be specified.

(*2*) Any rules made under sub-section (*1*) shall provide that in the case of a registered dealer who manufactures or processes any goods for sale there shall be set off against the sales tax payable by him under section 8, the excess, if any, of the amount mentioned in clause (I) below over the amount mentioned in clause (II) below :—

(I) The aggregate of the sums—

(*i*) recovered from the dealer by other registered dealers by way of—

(*a*) general sales tax on the purchase of goods specified in entries 1 to 18 (both inclusive) of Schedule B, and

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[1] Sub sectin (*1*) was deleted and Sub-section (*2*) was renumbered as sub-section (*1*) by Bom. 10 of 1954, s. 10 (*1*) and (*2*).
[2] These words were substituted for the words "sub-section (*1*)", *ibid*, s. 10 (*2*) (*i*).
[3] These words were substituted for the words "such purchases by him", *ibid*, s. 10 (*2*) (*ii*).
[4] Sub-section (*3*) was renumbered as sub-section (*2*), *ibid*, s. 10 (*3*).
[5] These words, figures and letter were substituted for the words "this section", *ibid*.
[6] Marginal note was substituted for the original, *ibid*, s. 10 (*4*).
[7] Sections 18A and 18B were inserted, *ibid*. s. 11.

(*b*) sales tax on the purchase of goods specified in entries 19 to 22 (both inclusive) and 25 to 80 (both inclusive) of Schedule B, and

(*ii*) payable as purchase tax under clause (*a*) of section 10 on the purchase of such goods by the dealer :

Provided that such goods have been used in the prescribed manner in the manufacture or processing of any goods specified in entries 19 to 22 (both inclusive) and 25 to 80 (both inclusive) of Schedule B for sale.

(II) Three pies in the rupee on the aggregate of the sale prices of goods which have been so manufactured or processed, where—

(*i*) the sale is not liable to tax by virtue of the provisions of section 46 ; or

(*ii*) the dealer has claimed a deduction under clause (*b*) of section 8 in respect of the sale.]

Refunds.

19. The Collector shall, in the prescribed manner, refund to a [1][person] applying in this behalf any amount of the tax paid by such [1][person] in excess of the amount due from him either by cash payment or, at the option of the [1][person] by deduction of such excess from the amount of the tax due in respect of any other period :

Provided that no claim to refund of the tax paid shall be allowed unless it is made within 24 months from the date on which the order of assessment was passed or within 12 months of the final order passed on appeal, revision, or reference in respect of the order of assessment, whichever period is later :

Provided further that the Collector shall first apply the excess paid in respect of any period towards the recovery of any amount in respect of which a notice under sub-section (*5*) of section 16 may have been issued and shall then refund the balance remaining, if any.

Remission of tax.

20. The Collector may, subject to such conditions as may be prescribed, remit the whole or part of the amount of the tax payable in respect of any period by any registered [2]* * dealer who has suffered financially on account of riots or through natural calamities :

Provided that if the amount to be remitted exceeds Rs. 2,000 the remission shall not be made without the previous sanction of the State Government.

Prohibition against collection of tax in certain cases.

21. (*1*) No person shall collect any amount by way of [3][sales tax or general sales tax] in respect of sales of any goods which are declared, from time to time, under [4][section 7] as sales on which such tax is not payable.

(*2*) No person selling any goods shall collect, from the purchaser any amount by way of the tax unless [5][such person] is a registered dealer [6] * * * and is liable to pay the tax in respect of such sale :

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[1] This word was substituted for the word "dealer" by Bom. 10 of 1954, s. 12.
[2] The words "or licensed" were deleted, *ibid*, s. 13.
[3] These words were substituted for the words "general tax", *ibid*, s. 14 (*1*) (*a*).
[4] The word and figure were substituted for the word and figure "section 8", *ibid*, s. 14 (*1*) (*b*).
[5] The words were substituted for the word "he", *ibid*, s. 14 (*2*).
[6] The words "or a licensed dealer" were deleted, *ibid*.

Provided that this sub-section shall not apply in cases where a person is required to collect such amount of the tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

[1][(*2A*) Notwithstanding anything contained in sub-section (*2*) a dealer who has been permitted by the Collector to pay a lump sum by way of composition under section 18A shall not collect any amount by way of sales tax or general sales tax, as the case may be, on the sales of goods if made during the period to which such composition applies.]

[2][(*3*) Every registered dealer whose turnover of sales exceeds Rs. 60,000 in any year shall in respect of all goods sold by him and any other registered dealer shall in respect of any goods sold by him to a registered dealer, issue a bill or cash memorandum to the purchaser, signed and dated by him or his servant, manager or agent, showing such particulars as may be prescribed and shall keep the counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from such date.]

(*4*) If any person collects any amount by way of the tax in contravention of the provisions of sub-section (*1*) or (*2*) or if any registered dealer [3]* * * * collects any amount by way of the tax in excess of the amount payable by him, the amounts so collected shall, without prejudice to any prosecution that may be instituted against such person or dealer for any offence under this Act, be forfeited to the State Government and such person or dealer, as the case may be, shall, within the prescribed period, pay such amount into a Government treasury and in default of such payment, the amount shall be recovered as an arrear of land revenue.

(*5*) If any person to whom sub-section (*3*) applies contravenes the provisions of the said sub-section, then he shall be liable to a fine equal to double the amount of the bill or cash memorandum in respect of which such contravention has occurred or Rs. 100, whichever is less.

CHAPTER VI.

Liability to produce accounts, to supply information and to pay the tax in the case of transfer of business.

Accounts.

22. (*1*) Every registered dealer [4][or] person liable to pay the tax and every other dealer who is required so to do by the Collector by notice served in the prescribed manner shall keep a true account of the value of the goods bought and sold by him, and if the Collector considers that such account is not sufficiently clear and intelligible to determine whether or not such dealer or any person is liable to pay the tax during any period, or to make a proper scrutiny of the returns or statement furnished by him, the Collector may require such dealer or person by notice in writing to keep such accounts (including records of sales or purchases) necessary for the purposes of proper assessment as he may, subject to anything that may be prescribed in that behalf, in writing direct.

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[1] Sub-section (*2A*) was inserted by Bom. 10 of 1954, s. 14 (*3*).
[2] This sub-section was substituted for the original, *ibid*, s. 14 (*4*).
[3] The words " or licensed dealer " were deleted, *ibid*, s. 14 (*5*).
[4] This word was substituted for the words " and every licensed dealer or any ", *ibid*, s. 15.

(*2*) The Collector may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer or by notification in the *Official Gazette* direct any class of dealers to maintain accounts and records showing the details regarding their purchases, sales or deliveries of goods in such form and in such manner as may be specified by him.

Production and inspection of accounts and documents, and search of premises.

23. (*1*) The Collector may, subject to such conditions as may be prescribed require any dealer to produce before him any accounts or documents, or to furnish any information, relating to the stocks of goods of, or purchases, sales and deliveries of goods, by the dealer or any other information, relating to his business as may be necessary for the purposes of this Act.

(*2*) All accounts, registers and documents relating to the stocks of goods of, or purchases, sales and deliveries of goods by, any dealer and all goods kept in any place of business or warehouse of any dealer shall at all reasonable times be open to inspection by the Collector and the Collector may take or cause to be taken such copies or extracts therefrom as appear to him necessary for the purposes of this Act.

(*3*) If the Collector has reason to suspect that any dealer is attempting to evade the payment of any tax due from him, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

(*4*) For the purposes of sub-section (*2*) or sub-section (*3*), the Collector may enter and search any place of business or warehouse of any dealer or any other place where Collector has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers, or documents of his business or stocks of goods relating to his business.

(*5*) The provisions of sub-sections (*1*) to (*4*) shall also apply *mutatis mutandis* in the case of persons liable to pay the tax under [1][section 10C].

Dealer to declare the name of manager of his business.

24. Every dealer, who is liable to pay the tax and who is an undivided Hindu family, an association or a club, society, firm or company or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall within the prescribed period send to the prescribed authority a declaration in the prescribed manner stating the name of the person who shall be deemed to be the manager of such dealer's business for the purposes of this Act. Such declaration may be revised from time to time.

Information to be furnished regarding changes of business.

25. If any dealer to whom the provisions of this Act apply—

(*a*) sells or otherwise disposes of his business or any part of his business, or effects or comes to know of any other change in the ownership of the business, or

(*b*) discontinues his business or changes his place of business or opens a new place of business, or

(*c*) changes the name or nature of his business or effects any change in the classes of goods sold by him,

he shall, within the prescribed time, inform the prescribed authority accordingly; and if any such dealer dies, his legal representative shall, in like manner, inform the said authority.

[1] The word, figures and letter were substituted for the word and figures "section 18" by Bom. 10 of 1954, s. 16.

Tax payable by transfered of business.

26. (*1*) When the ownership of the business of a dealer liable to pay the tax is entirely transferred, any tax payable in respect of such business and remaining unpaid at the time of the transfer shall be payable by the transferee as if he were the dealer liable to pay such tax; and the transferee shall also be liable to pay tax on the sales [1][or purchases] of goods effected by him with effect from the date of such transfer and shall within thirty days of the transfer apply for registration [2]* * * unless he already holds a certificate of registration [3]* * *

(*2*) When a dealer liable to pay the tax transfers the ownership of a part of his business the transferor shall be liable to pay the tax in respect of the stock of goods transferred along with that part of his business, which is not so transferred, as if the goods have been sold by him, unless the transferee holds a certificate of registration [2]* * * or obtains it within the prescribed period.

(*3*) (*i*) When a firm liable to pay the tax is dissolved, or

(*ii*) where an undivided Hindu family liable to pay the tax is partitioned, such firm or family, as the case may be, shall be liable to pay the tax on the goods allotted to any partner or member thereof as if the goods had been sold to such partner or member unless he holds a certificate of registration [3]* * * or obtains it within the prescribed period.

(*4*) When a dealer to whom a part of the business has been transferred, or who has obtained the whole or part of the stock relating to the business of a partnership which has been discontinued or dissolved, or an undivided Hindu family which is partitioned, obtains a certificate of registration [3]* * * he shall be liable to pay the tax on the turnover in respect of sales [1][or purchases] of goods made by him with effect from the date of such transfer of business, discontinuance or dissolution of the partnership, or the partition of the family, as the case may be.

CHAPTER VII.

Proceedings.

Power of Collector to determine disputes.

27. If any question arises otherwise than in a proceeding before a court whether or not, for the purposes of this Act,—

(*a*) any person, society, club or association, firm or any branch or department of any firm is a dealer,

(*b*) any transaction is a sale or purchase.

(*c*) any particular dealer is liable to registration [4]* * *, or

(*d*) any tax is payable in respect of any particular sale or purchase,

the Collector shall make an order determining such question :

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[1] These words were inserted, by Bom. 10 of 1954, s. 17 (*1*).
[2] The words " or licence, as the case may be " were deleted, *ibid*, s. 17 (*2*).
[3] The words " or a licence, as the case may be " were deleted, *ibid*.
[4] The words " or required to take a licence " were deleted, *ibid*, s. 18 (*1*).

Provided that the Collector may in any such order direct that any such determination shall not affect the liability of any [1][person] under this Act in respect of any sale [2][or purchase] effected prior to the date of any such determination :

Provided further that if any such question arises from any order already passed under this Act, no proceeding shall be entertained for the determination under this section, but such question may be raised in any appeal or application for revision against such order, which lies under section 30 or 31.

Powers of Tribunal and Collector.

28. [3][(*1*) For the purposes of this Act the Tribunal and the Collector shall have the same powers] as are vested in courts in respect of—

(*a*) proof of facts by affidavits ;

(*b*) summoning and enforcing the attendance of any person and examining him on oath ;

(*c*) compelling the production of documents ; and

(*d*) issuing commissions for the examination of witnesses ;

(*2*) [4][In the case of] any affidavit made for the purposes of this Act, any officer appointed by the Tribunal or the Collector may administer the oath to the deponent.

Bar to certain proceedings.

29. Save as is provided by section 34, no assessment made and no order passed under this Act or the rules made thereunder by the Collector or any person appointed under section 3 to assist him shall be called into question in any civil court, and save as is provided by sections 30 and 31 no appeal or application for revision shall lie against any such assessment or order.

Appeal.

30. (*1*) Within sixty days from the making of an order of assessment either with or without penalty or the passing of any other order under this Act, any person may, in the prescribed manner, appeal to the prescribed authority against such order :

Provided that no appeal against an order of assessment, with or without penalty, shall be entertained by the said authority unless it is accompanied by satisfactory proof of the payment of the tax, with penalty, if any, in respect of which the appeal has been preferred :

Provided further that the said authority may, if it deems fit, for reasons to be recorded in writing, entertain an appeal against such order without payment of the amount of the tax including penalty, if any, or on proof of payment of such smaller amount as it may direct.

(*2*) Subject to such rules of procedure as may be prescribed, the said authority may pass such orders on the appeal as such authority may think fit.

(*3*) Every order passed in appeal under this section shall, subject to the provisions of sections 31, 34 and 35, be final.

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[1] This word was substituted for the word " dealer, " by Bom. 10 of 1954, s. 18 (*2*).
[2] These words were inserted, *ibid*, s. 18 (*2*).
[3] This portion was substituted for the original, *ibid*, s. 19 (*1*).
[4] These words were substituted for the words " in the case of ", *ibid*, s. 19 (*2*).

Revision.

31. (*1*) Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person appointed under section 3 to assist him, and , subject as aforesaid the Tribunal may, upon application, revise any order passed by the Collector :

Provided that no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that before rejecting any application for the revision of any such order the Collector or the Tribunal, as the case may be, shall record reasons for such rejection.

(*2*) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(*3*) Where a person could have appealed under section 30, and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such person.

Application of sections 4 and 12 of Limitation Act, IX of 1908.

32. In computing the period laid down under sections 30 and 31 the provisions of sections 4 and 12 of the Indian Limitation Act, 1908, so far as may be, shall apply. IX of 1908.

Extension of period of limitation in certain cases.

33. The prescribed authority may admit any appeal under section 30 and the Collector and the Tribunal may admit an application under section 31, after the period of limitation laid down in the said sections if the appellant or the applicant, as the case may be, satisfies the prescribed authority, the Collector or the Tribunal, as the case may be,that he had sufficient cause for not preferring the appeal or making the application within such period.

Statement of case to High Court.

34. (*1*) Within ninety days from the passing by the Tribunal of any order under sub-section (*2*) of section 30 or sub-section (*1*) of section 31 affecting any liability of any person to pay the tax, such person or the Collector may, by application in writing accompanied where the application is made by any person (other than the Collector) by a fee of one hundred rupees, require the Tribunal to refer to the High Court any question of law arising out of such order, and where the Tribunal agrees it shall draw up a statement of the case and refer it to the High Court.

(*2*) If, for reasons to be recorded in writing, the Tribunal refuses to make such reference, the applicant may within thirty days of such refusal, either—

(*a*) withdraw his application, or

(*b*) apply to the High Court against such refusal

and in the case of withdrawal under clause (*a*), the fee, if any, paid under sub-section (*1*) shall be refunded to him.

(*3*) If upon the receipt of an application under clause (*b*) of sub-section (*2*), the High Court is not satisfied that such refusal was justified, it may require the Tribunal to state a case and refer it to the High Court and on receipt of such requisition the Tribunal shall state and refer the case accordingly.

(*4*) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein as the High Court may direct in that behalf.

(*5*) The High Court upon the hearing of any such case shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(*6*) Where a reference is made to the High Court under this section, the costs [including the disposal of the fee referred to in sub-section (*1*)] shall be in the discretion of the Court.

(*7*) The payment of the amount, if any, of the tax due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (*1*) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as the result of such reference the excess tax paid shall be refunded in accordance with the provisions of section 19.

35. (*1*) The Collector may at any time within two years from the date of any order passed by him, on his own motion, rectify any mistake apparent from the record and shall within a like period rectify any such mistake which has been brought to his notice by [1][any person affected by such order]: Rectification of mistakes.

Provided that no such rectification shall be made if it has the effect of enhancing the tax or reducing the amount of a refund unless the Collector has given notice in writing to [2][such person] of his intention so to do and has allowed [2][such person] a reasonable opportunity of being heard.

(*2*) The provisions of sub-section (*1*) shall apply to the rectification of a mistake by the Tribunal or the prescribed authority under section 30 as they apply to the rectification of a mistake by the Collector.

(*3*) Where any such rectification has the effect of reducing the amount of the tax, the Collector shall in the prescribed manner refund any amount due to [2][such person].

(*4*) Where any such rectification has the effect of enhancing the amount of the tax or reducing the amount of the refund, the Collector shall recover the amount due from [2][such person] in the manner provided for in section 16.

Chapter VIII.

Offences and Penalties.

36. Whoever— Offences and Penalties.

(*a*) carries on business as a dealer without applying for registration [3]* * * * * * in contravention of [4][section 11 or 26]; or

(*b*) fails without sufficient cause, to furnish any return or statement as required by section 13 or 18 or knowingly furnishes a false return or statement; or

[1] These words were substituted for the words "a dealer" by Bom. 10 of 1954, s. 20 (*1*).
[2] These words were substituted for the words "the dealer" *ibid*, s. 20 (*2*).
[3] The words "or grant or renewal of licence" were deleted, *ibid*, s. 21 (*1*) (*i*).
[4] This words and figures were substituted for the words and figures Section 9, 12 or 26", *ibid*, s. 21 (*1*) (*ii*).

[1][(*c*) not being a registered dealer under section 11 falsely represents that he is or was a registered dealer at the time when he sells or sold any goods :

(*ca*) not holding a licence under section 12 falsely represents that he is or was holding such licence when he purchases or purchased any goods ;

(*cb*) not holding an authorization under section 12A falsely represents that he is or was holding such authorization when he purchases or sells or purchased or sold any goods ;]

(*d*) contravenes the provisions of sub-section (*1*), [2][(*2*), (*2A*) or (*3*)] of section 21 ; or

(*e*) fails to keep a true account of the value of the goods bought and sold by him as required by section 22, or fails, when directed so to do under that section to keep any accounts or records in accordance with the direction ; or

(*f*) fails to comply with any requirement made of him under section 23 ; or

(*g*) knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information ; or

(*h*) obstructs any officer making an inspection, a search or a seizure under section 23 ; or

(*i*) neglects to furnish any information required by section 25 ; or

(*j*) aids or abets any person in the commission of any act specified in clauses (*a*) to (*i*) ;

shall, in addition to the recovery of any tax that may be due from him, be punishable with simple imprisonment which may extend to six months or with fine not exceeding two thousand rupees or with both ; and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.

Cognizance of offences.

37. (*1*) No court shall take cognizance of any offence punishable under section 36 or under any rules made under this Act, except with the previous sanction of the Collector and no Court inferior to that of a Magistrate of the Second Class shall try any such offence.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under this Act or rules made thereunder shall be cognizable and bailable. V of 1898.

Investigation of offences.

38. (*1*) Subject to such conditions as may be prescribed, the Collector may authorise any persons appointed under section 3 to assist him to investigate all offences punishable under this Act.

(*2*) Every person so authorised shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence. V of 1898.

[1] This portion was substituted for clause (*c*) by Bom. 10 of 1954, s. 21 (*2*).

[2] These brackets, figures, letter and word were substituted for the brackets, figures and word "(2) or (3)", *ibid*, s. 21 (*3*).

Compounding of offences.

39. (*1*) The Collector may, either before or after the institution of proceedings for any offence punishable under section 36 or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees or where the offence charged is under clause (*a*), (*b*), (*c*), [1][(*ca*), (*cb*)] (*e*) or (*g*) of section 36, not exceeding double the amount of tax which would have been payable on the [2][sale, purchase or] turnover to which the said offence relates, whichever is greater.

(*2*) On payment of such sum as may be determined by the Collector under sub-section (*1*) no further proceedings shall be taken against the accused person in respect of the same offence.

Penalty for false declaration or cerificate or for not abiding declaration or certificate furnished.

[3][**39A.** (*1*) Where under the provisions of this Act or the rules made thereunder a person furnishes a declaration or certificate by reason of which any tax is not leviable on any sale or purchase and where such person knew or had reason to believe that such declaration or certificate was false or such person fails to abide by, or acts in contravention of, the recitals or terms of such declaration or certificate the Collector may, after giving such person a reasonable opportunity of being heard, direct him to pay by way of penalty a sum not exceeding double the amount of tax which in the opinion of the Collector would have been leviable on such sale or purchase had such declaration or certificate not been furnished.

(*2*) Any sum payable by way of penalty under this section shall, if not paid before such date as the Collector may direct, be recoverable as an arrear of land revenue.]

CHAPTER IX.

Miscellaneous.

Persons appointed under section 3 and members of Tribunal to be public servants.

40. The Collector and all persons appointed under section 3 to assist the Collector and all members of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Indemnity.

41. No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Disclosure of information by a public servant.

42. (*1*) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act other than proceedings before a Criminal Court shall, save as provided in sub-section (*3*), be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

I of 1872.

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[1] These brackets and letters were inserted by Bom. 10 of 1954, s. 22.
[2] These words were substituted for the words "Sale or", *ibid.*, s. 22.
[3] Section 39-A was inserted, *ibid.*, s. 23.

(*2*) If, save as provided in sub-section (*3*), any servant of the Government discloses any of the particulars referred to in sub-section (*1*), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(*3*) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (*1*), (*a*) for the purposes of a prosecution under the Indian Penal Code, in respect of any statement, return, accounts, document or evidence or for the purposes of a prosecution under this Act, or (*b*) to any authority acting in exercise of the powers conferred by the Indian Income-tax Act, 1922, where it is necessary to disclose the same to such authority for the purpose of the said Act, or (*c*) to any authority acting in exercise of the powers conferred on it by any law of a State imposing a tax on the sale or purchase of goods where it is necessary to disclose the same to such authority for the purposes of the said law. XLV of 1860. XI of 1922.

Appearance before any authority in proceedings.

43. Any person, who is entitled to attend before any authority in connection with any proceedings under this Act, may attend before the authority—

(*a*) by a person authorised by him in this behalf being his relative or a person regularly employed by him, or

(*b*) by a legal practitioner, or

(*c*) subject to such conditions as may be prescribed, by an accountant or sales tax practitioner who possesses the prescribed qualifications.

Delegation of powers and duties and transfer of proceedings.

44. (*1*) Subject to such conditions and restrictions as the State Government may by general or special order impose, the Collector may, by order in writing, delegate any of his powers and duties under this Act to any persons appointed under section 3 to assist him.

(*2*) The Collector may transfer any proceeding or class of proceedings under any provision of this Act from himself to any person to whom he has delegated his powers and duties in respect thereof, and he may likewise transfer any such proceeding (including a proceeding already transferred under this sub-section) from one such person to another to whom the said powers and duties have been delegated or to himself.

Power to make rules.

45. (*1*) The State Government may make rules for carrying out the purposes of his Act.

(*2*) In particular and without prejudice to the generality of the foregoing power [1][such rules may provide for]—

(*a*) the period for return of goods under [2][clauses (19A) and (20)] of section 2;

(*b*) the qualifications to be possessed by a member of the Tribunal;

(*c*) the further period after the date of expiry of the year referred to in sub-section (*3*) of section 5 [3]* * * * *;

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[1] These words were substituted for "such rules may prescribe" by Bom. 10 of 1954, s. 24 (*1*).

[2] These words, brackets, figures and letter were substituted for the word, brackets and figures "clause (20)", *ibid*, s. 24(*2*).

[3] The words "and sub-section (*4*) of section 10" were deleted, *ibid*, s. 24 (*3*).

[1][(*d*) the forms of certificates to be furnished under section 9;

(*da*) the manner in which the goods shall be used in the manufacture or processing of any goods for sale for the purpose of section 9 or 10C or sub-section (*2*) of section 18B;

(*db*) the form and manner in which and the period within which an application making election under section 10A shall be made;

(*e*) the form of declaration to be furnished under section 10C;]

(*f*) the period within which, the manner in which and the authority to which application for registration shall be made under [2][section 11];

(*g*) the procedure for, and other matters incidental to, the registration of dealers and the granting of certificates of registration, and the form of such certificates under [3][section 11] and the manner in which applications for cancellation of registration shall be made, and the date from which cancellation of registration shall take effect, under sub-section (*6*) of that section [4][and the period under sub-section (*7*) of the said section];

[5][(*h*) further requirements under section 12 and the manner and form in which and the conditions subject to which a licence shall be granted under that section;]

[6][(*i*) further requirements under section 12A and the manner and form in which and the conditions subject to which an authorization shall be granted under that section;]

(*k*) the returns to be furnished under section 13 and the dates by which, and the authority to which, such returns shall be furnished and the terms and conditions for purposes of the proviso to sub-section (*1*) of the said section 13

(*l*) procedure to be followed for assessment under section 14;

(*m*) the intervals at which, and the manner in which, the tax shall be payable [7][and the conditions subject to which penalty may be remitted,] under section 16;

(*n*) the [8][form of statement], the manner in which, the authority to which and the period within which such [9]* * * statement shall be submitted under section 18;

[10][(*na*) the circumstances in which and the conditions subject to which the Collector may permit a dealer to pay a lump sum by way of composition under section 18A and the manner of determining such sum;

(*nb*) any of the matters specified in section 18B;]

(*o*) the manner in which refunds under section 19 shall be made;

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[1] These clauses were substituted for clauses (*d*) and (*e*), by Bom. 10 of 1954, s. 24 (*4*).
[2] This was substituted for "section 9," *ibid*, s. 24 (*5*).
[3] This was substituted for "section 9," *ibid*, s. 24 (*6*).
[4] These words were inserted, *ibid*.
[5] This clause was substituted for the original, *ibid*, s. 24 (*7*).
[6] This clause was substituted for clauses (*i*) and (*j*), *ibid*, s. 24, (*8*).
[7] These words were inserted, *ibid*, s. 24 (*9*).
[8] These words were substituted for the words "forms of certificate and statement," *ibid*, s. 24 (*10*).
[9] The words "certificate and" were deleted, *ibid*.
[10] These clauses were inserted, *ibid*, s. 24 (*11*).

(*p*) conditions subject to which tax may be remitted under section 20;

[1][(*q*) the particulars under sub-section (*3*) of section 21 and the period within which the amount of the tax collected shall be paid into a Government Treasury under sub-section (*4*) of that section;]

(*r*) the accounts and forms thereof required by the Collector to be kept under sub-section (*1*) of section 22 and the conditions or restrictions subject to which the accounts shall be maintained under sub-section (*2*) of said section 22;

(*s*) the conditions subject to which the production of accounts or documents or the furnishing of information may be required under section 23;

(*t*) the period within which, the authority to which and the manner in which a declaration shall be sent under section 24;

(*u*) the authority to which, and the time within which, information shall be furnished under section 25;

(*v*) the period within which a certificate of registration [2]* * shall be obtained under sub-section (*2*) or sub-section (*3*) of section 26;

(*w*) the manner in which, and the authority to which, an appeal against any order under this Act may be preferred under section 30;

(*x*) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under sections 30 and 31;

(*y*) the conditions and the qualifications for the purposes of clause (*c*) of section 43;

(*z*) the manner in which, and the time within which, the applications shall be made, information furnished and notices served, under this Act;

(*za*) any other matter which is required to be or may be prescribed

(*3*) In making any rule the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(*4*) Rules made under this section shall be subject to the condition of previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section and the rule so made shall be laid on the table of both the Houses of the State Legislature.

Modifications in application of Act to district of Amreli.

[3][45A. In the application of this Act to the district of Amreli, the following provisions shall be construed subject to the following modification, namely:—

(*1*) in Schedule A, after entry 42, the following shall be added, namely:—

'43. Cotton seeds.

44. Oilseeds from which edible oil is extracted.

45. Raw cotton (whether ginned or unginned).

46. Sesame (tal) oil and groundnut oil when sold without being hydrogenated.';

[1] This clause was substituted for the original, by Bom. 10 of 1954, s. 24 (*12*).
[2] The words "or licence" were deleted, *ibid*, s. 24 (*13*).
[3] This section was inserted, *ibid*, s. 25.

(2) in Schedule B—

(*i*) entries 1 and 2 relating to raw cotton (whether ginned or unginned) and cotton seeds, respectively shall be deleted;

(*ii*) in entry 5, in column 1 for the word 'Oilseeds' the words 'Oilseeds from which non-edible oils are extracted' shall be substituted;

(*iii*) in entry 14, in column 1, for the words and figures 'entry 14' the words and figures 'entries 14 and 46' shall be substituted;

(*iv*) after entry 22 the following entry shall be inserted, namely:—

'22A. The following grocery articles (Kairana), namely:— dhana, jeera, rai, methi, hing, kharo, including their powders and kokam.	Three pies in the rupee.	Nil.	Three pies in the rupee.';

(*v*) in entry 79, for the words 'fifteen pies' occurring against it in columns 2 and 4, the words 'six pies' shall be substituted:

Provided that the State Government may, by notification in the *Official Gazette*, direct that all or any of the aforesaid modifications or any part thereof shall cease to apply to the district of Amreli with effect from such date as may be specified in the notification.]

[2][Certain sales and purchases not to be liable to tax]

46. Nothing in this Act or the rules made or deemed to have been made thereunder shall be deemed to [1]* * * * * impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

(*a*) (*i*) outside the State of Bombay; or

(*ii*) in the course of the import of the goods into the territory of India, or the export of the goods out of such territory; or

(*b*) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide,

and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purposes of clause (*a*)(*i*), a sale or purchase shall be deemed to have taken place in the State in which the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State.

Temporary provision excluding certain sales from taxable turnover.

47. In assessing or re-assessing under section 14 or 15 the amount of tax due from any dealer for the year ending on the 31st day of March 1953, any sale made during the period commencing from the first day of November 1952 and ending on the date immediately prior to the date on which the Bombay Sales Tax (No. 2) Ordinance, 1952, was promulgated in respect of which no amount has been charged, collected, received or agreed to be paid by way of a tax on such sale or by way of deposit or otherwise in respect of such tax, shall not be included in the taxable turnover of such dealer.

Bom. Ordinance No. III of 1952.

[1] The words "to apply to any sale or purchase of any goods, or" were deleted, by Bom. 10 of 1954, s. 26(*1*).

[2] This marginal note was substituted for original, *ibid*, s. 26(*2*).

Repeal of Bom. V of 1946.

48. (*1*) The Bombay Sales Tax Act, 1946, and all the entries relating to that Act as specified in the Third Schedule to the Bombay Merged States (Laws) Act, 1950 (hereinafter referred to in this section as "the said Act and the said entries") are hereby declared to have been in force as amended by the Bombay Sales Tax (No. 1) Ordinance, 1952, up to the first day of November 1952 and shall be deemed to have been repealed from the said date notwithstanding anything contained in section 47 of the Bombay Sales Tax Act, 1952, and in section 49 of this Act and notwithstanding the said Ordinance ceasing to operate. Bom. V of 1946. Bom. IV of 1950. Bom. Ordinance No. II of 1952. Bom. XXIV of 1952.

(*2*) Notwithstanding the repeal of the said Act and the said entries, the said repeal shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability already acquired, accrued or incurred;

(*ii*) any legal proceeding pending on the 1st day of November 1952 in respect of any right, title, obligation or liability or anything done or suffered before the said date; and any such proceeding shall be continued and disposed of, as if this Act had not been passed;

(*iii*) the recovery of any tax or penalty which may have become payable under the said Act and the said entries before the said date; and all such taxes or penalties or arrears thereof shall be assessed, imposed and recovered, so far as may be, in accordance with the provisions of this Act.

Repeal of Bom. Ordinance No. III of 1952.

49. (*1*) The Bombay Sales Tax (No. 2) Ordinance, 1952, is hereby repealed: Bom. Ordinance No. III of 1952.

Provided that the repeal hereby made shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered,

(*ii*) any legal proceeding or remedy in respect of any such right, title, obligation or liability,

(*iii*) the assessment, levy or recovery of any tax or the imposition or recovery of any penalty,

under the provisions of the Ordinance hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced and any such tax may be assessed, levied and recovered and any such penalty may be imposed and recovered in accordance with the provisions of this Act.

(*2*) Any appointment, notification, notice, order, rule, regulation or form made or issued or deemed to have been made or issued under the Ordinance hereby repealed shall continue in force and be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule, regulation or form is not inconsistent with the provisions of this Act, unless it has been already, or until it is superseded by an appointment, a notification, notice, order, rule, regulation or form made or issued under this Act.

Bom. XXIV of 1952. Bom. XXX of 1953.

[1][**50.** (*1*) The Bombay Sales Tax Act, 1952, and the Bombay Sales Tax Act, 1952 (Suspension) Act, 1953, are hereby repealed. Repeal of Bom. XXIV of 1952 and Bom. XXX of 1953.

Bom. XXIV of 1952.

(*2*) For the avoidance of doubts it is hereby declared that the repeal of the Bombay Sales Tax Act, 1952, hereby effected shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability acquired, accrued or incurred or anything done or suffered ;

(*ii*) any legal proceeding or remedy in respect of any such right, title, obligation or liability, assessment, levy or recovery of any tax or the imposition or recovery of any penalty under the provisions of the said Act ;

and any such proceeding may be instituted, continued or disposed of and any such remedy enforced and any such tax may be assessed, levied and recovered and any such penalty may be imposed and recovered in accordance with the provisions of this Act.

Bom. XXIV of 1952.

(*3*) Any appointment, notification, notice, order, rule, regulation or form made or issued under the Bombay Sales Tax Act, 1952, shall continue in force unless it has been already or until it is superseded by an appointment, notification, notice, order, rule, regulation or form made or issued under this Act.]

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[2][SCHEDULE A.

(*See* section 7.)

Goods, the sale or purchase of which is free from all taxes.

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
1	Agricultural implements worked or operated exclusively by human or animal agency of the following kinds: Chaff-cutters, clod crushers, harrows, iron and leather mhots, iron ploughs and plough points, pick-axes, rahats, shovels, sickles, spades and wooden seed drills.	
2	Betel leaves	.....
3	Bread	.....
4	Butter-milk and curds	.....
5	Cattle, sheep and goats	.....
6	Cattle-feeds including fodder and other concentrates but excluding cotton seed.	.....

[1] This section was inserted by Bom. 10 of 1954, s. 27.
[2] Schedules A and B were substituted for Schedules I and II by Bom. 10 of 1954, s. 28.

SCHEDULE A—*contd.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
7	Cereals and pulses in all forms	Except when sold in sealed containers.
8	Charkha and other implements used in the production of handspun yarn or handwoven cloth as may be specified by the State Government by notification in the *Official Gazette*.	.....
9	Chillies, chilly powder, tamarind and turmeric, whole or powdered.	Except when sold in sealed containers.
10	Cloth woven on handlooms sold at a rate not exceeding Rs. 2-0-0 per yard.	.....
11	Clothes and other articles of khaddar	When sold by a dealer recognised for this purpose by the Collector of Sales Tax.
12	Coal gas	When sold by a gas supply company to a local authority for consumption by such local authority for purpose of street lighting.
13	Cotton yarn and cotton thread	.....
14	Edible oils manufactured in ghanis by human or animal agency.	When sold by such owners of ghanis or such co-operative societies of such owners, or such institutions devoted to the promotion of village industries as have been recognised for this purpose by the Collector of Sales Tax.
15	Eggs	.....
16	Electrical energy	.....
17	Fertilizers	.....
18	Firewood and charcoal	.....
19	Fish	Except when sold in sealed containers.
20	Flour including atta, maida, suji and bran	Do. do.
21	Flowers	.....

SCHEDULE A—*contd.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
22	Food and non-alcoholic drinks consumed at a hotel, restaurant, refreshment room, eating house or other place where such food and drinks are served.	Except when the cost of food and drinks consumed at one time by one person exceeds rupee one.
23	Fresh fruits	.....
24	Fresh vegetables and edible tubers	.....
25	Glass bangles sold at a rate not exceeding annas 2 each ..	.....
26	Gur	.....
27	Handmade paper	When sold by such producers of handmade paper as have been recognised for this purpose by the Collector of Sales
28	Kerosene — — —	— — ..
29	Khaddar — — —	When sold by dealers recognised for this purpose by the Collector of Sales Tax.
30	Kum-kum — —	— — ..
31	Mangalsutra with black glass beads sold at a rate not exceeding Rs. 5 each.	.. — —
32	Manures including oil cakes — — —	— — ..
33	Meat — — —	Except when sold in sealed containers.
34	Milk, whole or separated — — —	— — ..
35	Motor spirit, meaning—	.. — —
	(*a*) any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle, and	
	(*b*) power alcohol, that is, ethyl alcohol of any grade (including such alcohol when denatured or otherwise treated) which either by itself or in admixture with any such hydro-carbon, is capable of being used as aforesaid;	
	but not including diesel oil or any other form of inflammable hydro-carbon material which the State Government may, by notification in the *Official Gazette* specify in this behalf.	

SCHEDULE A—*concld.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
36	Periodical journals published at intervals not exceeding one month.	....
37	Salt	....
38	Slates and slate pencils; chalk sticks and crayons; foot-rules ; exercise and drawing books and lead pencils; and mathematical and drawing instrument boxes used by primary and secondary school students.	.. ..
39	Stamp paper sold by vendors duly authorised under the provisions of the Indian Stamp Act, 1899.	.. ..
40	Sugar cane	....
41	Text-books, books for supplementary reading and school atlases sanctioned by the State Government, Director of Education for the State of Bombay, the Educational Inspectors of Divisions or the Secondary School Certificate Examination Board or approved by Bombay Municipa Schools Committee.	....
42	Water, other than aerated and mineral waters ..	....

SCHEDULE B.

(*See* sections 8, 9 and 10.)

Goods, the sale or purchase of which is subject to tax and the rates of taxes.

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
1	Raw cotton (whether ginned or unginned) ..	Nil.	One per cent.	One per cent.
2	Cotton seeds	Nil.	Do.	Do.
3	Artificial silk yarn	Nil.	Three pies in the rupee.	Three pies in the rupee.
4	Hides and skins	Nil.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
5	Oilseeds	Nil.	Three pies in the rupee.	Three pies in the rupee.
6	Raw silk and silk yarn	Nil.	Do.	Do.
7	Raw wool, wool tops and woollen yarn (other than knitting yarn).	Nil.	Do.	Do.
8	Staple fibre and staple fibre yarn	Nil.	Do.	Do.
9	Agricultural machinery and implements including parts of such machinery and implements. (Except such agricultural implements as are declared tax-free under entry 1 of Schedule A).	Nil.	Six pies in the rupee.	Do.
10	Cloth woven on handlooms (except such cloth as is declared tax-free under entries 10 and 29 of Schedule A).	Nil.	Do.	Do.
11	Coarse and medium cotton cloth made in mills or woven on powerlooms. *Explanation 1.*—'Coarse cloth' means any cloth in which the count of warp yarn employed (excluding the border) is below 17s (whether single or folded). *Explanation 2.*—'Medium cloth' means any cloth in which the count of warp yarn employed (excluding the border) is 17s or finer but is less than 35s (whether single or folded). *Explanation 3.*—'Cotton cloth' means any cloth in which the proportion of cotton yarn is not less than 98 per cent.	Nil.	Do.	Do.
12	Coke and other derivatives of coal	Nil.	Do.	Do.
13	Dried fruits (including cocoanuts) and dried vegetables, vegetable and flower seeds, bulbs and plants excluding orchids. *Except*— (i) any medicine prepared from any one or more of such articles, and (ii) when any such article is sold in sealed containers.	Nil.	Do.	Do.
14	Edible oils (except such oils as are declared as tax-free under entry 14 of Schedule A).	Nil.	Do.	Do.
15	Iron and steel	Nil.	Do.	Do.
16	Jute seeds, raw jute, sun-hemp and mesta	Nil.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
17	Milk products including butter, ghee, chana and khoa (except sweetmeats and excepting butter-milk and curds declared as tax-free under entry 4 of Schedule A).	Nil.	Six pies in the rupee.	Three pies in the rupee.
18	Petroleum and petroleum products (except kerosene and motor spirit declared as tax-free under entries 28 and 35 of Schedule A).	Nil.	Do.	Do.
19	Betel nuts	Three pies in the rupee.	Nil.	Do.
20	Books and periodical journals except such text-books and journals as are declared tax-free under entries 36 and 41 of Schedule A, and other than account books, diaries, calendars, and books containing space exceeding eight pages for being written up (not being exercise books).	Do.	Nil.	Do.
21	Coal	Do.	Nil.	Do.
22	Safety matches (excluding matches used at fire-works).	Do.	Nil.	Do.
23	Bullion and specie	One-fourth per cent.	One-fourth per cent.	One-fourth per cent.
24	Articles made of gold and silver (of fineness not less than 75 per cent.) not containing any precious stones, synthetic or artificial precious stones, or pearls, real, artificial or cultured.	Do.	Three pies in the rupee.	Do.
25	Aerated waters and all non-alcoholic beverages including fruit juices, squashes, syrups and cordials when sold in sealed or capsuled and corked bottles or jars.	Six pies in the rupee.	Six pies in the rupee.	Six pies in the rupee.
26	(*i*) Bangles, bottle caps and buttons made of plastics when sold at a rate not exceeding annas 2 each.	Do.	Do.	Do.
	(*ii*) Other articles made of plastics sold at a rate not exceeding annas 12 each or when sold by length at a rate not exceeding annas 12 per yard.	Do.	Do.	Do.
27	Bicycles, tandem cycles and cycle combinations.	Do.	Do.	Do.
28	Cakes, biscuits and pastries	Do.	Do.	Do.
29	Cement	Do.	Do.	Do.
30	Cigarettes and cigarette tobacco	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
31	Cloth including saris, dhotis, sheets, chaddars, blankets and other similar articles (other than (*i*) cloth woven on hand-looms and (*ii*) coarse and medium cotton cloth woven in mills or on powerlooms), when not falling under entry 79.	Six pies in the rupee.	Six pies in the rupee.	Six pies in the rupee.
32	Foodstuffs and food provisions of all kinds, including raw, semi-cooked, semi-processed or ready-to-serve foods, and including pickles, sauces, jams, marmalades, jellies, preserved fruits and honey; when such goods are sold in sealed containers of weight not exceeding five seers in each container; but except fresh milk, whole or separated, milk products (including butter, ghee, chana and khoa but excluding sweet-meats) edible oils, gur and salt.	Do.	Do.	Do.
33	Hydrogenated vegetable oils including vanaspati.	Do.	Do.	Do.
34	Ice	Do.	Do.	Do.
35	Jewellery, precious stones, synthetic or artificial precious stones and pearls real, artificial or cultured not being articles falling under entry 24.	Do.	Do.	Do.
36	Paints, lacquers and varnishes	Do.	Do.	Do.
37	Sugar	Do.	Do.	Do.
38	Sweets, sweetmeats, toffees and chocolates ..	Do.	Do.	Do.
39	Toilet articles except such articles as may be specified by the State Government by notification in the *Official Gazette*.	Do.	Do.	Do.
40	Zari thread and embroidery materials of gold, silver or gilded metal (except badla and kasab) when sold at a rate not less than annas 8 per tola.	Do.	Do.	Do.
41	All arms including rifles, revolvers, pistols, and ammunition for the same.	Twelve pies in the rupee.	Do.	Twelve pies in the rupee.
42	All clocks, time-pieces and watches ..	Do.	Do.	Do.
43	Articles made of glass, china or porcelain adapted for domestic use when sold at a rate not less than one rupee per piece. *Explanation.*—(*i*) One cup and saucer and (*ii*) any vessel and its lid sold together shall be deemed as one piece, but not a set of cups and saucers, plates, or dishes, etc.	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
44	Articles made of ivory, sandalwood or black wood or inlaid therewith, and ornamental metalware (not being articles falling under entry 24), when sold at a rate not less than rupees two per piece.	Twelve pies in the rupee.	Six pies in the rupee	Twelve pies in the rupee.
45	(*i*) Articles made of plastics other than those specified in entry 26.	Do.	Do.	Do.
	(*ii*) Plastic sheets and fabrics and articles made of such sheets or fabrics other than those specified in entry 26.	Do.	Do.	Do.
46	Binoculars and opera glasses ..	Do.	Do.	Do.
47	(*i*) Braids, borders, laces and trimmings when sold at a rate not less than annas 8 per tola or when sold by length at a rate not less than annas 8 per yard.	Do.	Do.	Do.
	(*ii*) Articles for personal wear which have been embroidered or otherwise decorated sold at a rate not less than rupees two per article.	Do.	Do.	Do.
48	Cigarette cases and lighters ..	Do.	Do.	Do.
49	Cigars, cheroots and pipe tobacco other than hooka tobacco.	Do.	Do.	Do.
50	Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment; lenses and films required for use therewith.	Do.	Do.	Do.
51	Dictaphone and other similar apparatus for recording sound.	Do.	Do.	Do.
52	Domestic electrical appliances other than torches, tourch cells and filament lighting bulbs.	Do.	Do.	Do.
53	Fireworks	Do.	Do.	Do.
54	Foamed rubber sheets, cushions, pillows, mattresses and other articles.	Do.	Do.	Do.
55	Foreign liquor as defined in clause (17) of section 2 of the Bombay Prohibition Act, 1949, read with the proviso thereto.	Do.	Do.	Do.
56	Fountain pens, stylograph pens and propelling pencils, sold at a rate not less than rupees five each.	Do.	Do.	Do.
57	Furniture when sold at a rate not less than rupees one hundred per piece and not falling under entries 62 and 77.	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
58	Furs and skins (other than those of cattle, sheep and goats) and articles of personal or domestic use made therefrom.	Twelve pies in the rupee.	Six pies in the rupee.	Twelve pies in the rupee.
59	Gold and silver filigree ..	Do.	Do.	Do.
60	Gramophones and records ..	Do.	Do.	Do.
61	(*i*) Hosiery and knitted wear when sold at a rate not less than Rs. 3 per article.	Do.	Do.	Do.
	(*ii*) Ready-made garments of such sizes as may be specified by the State Government by notification in the *Official Gazette* when sold at a rate not less than Rs. 5 per piece.	Do.	Do.	Do.
	(*iii*) Ready-made garments of other sizes when sold at a rate not less than Rs. 10 per piece.	Do.	Do.	Do.
62	Iron and steel safes, almirahs and furniture...	Do.	Do.	Do.
63	Ladies' handbags and vanity bags sold at a rate not less than rupees five each.	Do.	Do.	Do.
64	(*i*) Motor vehicles including motor cars, motor taxicabs, motor cycles and cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries.	Do.	Do.	Do.
	(*ii*) Chasis of motor vehicles ..	Do.	Do.	Do.
	(*iii*) Rubber and other tyres and tubes and batteries adapted for use as parts of motor vehicles.	Do.	Do.	Do.
65	Musical instruments	Do.	Do.	Do.
66	Perfumes, depilatories and cosmetics (except hair oils).	Do.	Do.	Do.
67	Photographic and other cameras and enlargers, lenses, films and plates required for use therewith.	Do.	Do.	Do.
68	Pile carpets ..	Do.	Do.	Do.
69	Refrigerators and air conditioning plants...	Do.	Do.	Do.
70	Shoes and footwear sold at a rate not less than rupees fifteen per pair.	Do.	Do.	Do.
71	Sound transmitting equipment including telephones and loud speakers.	Do.	Do.	Do.
72	Stainless steel sheets and articles made of stainless steel other than such articles as are used as parts of industrial machinery or plant.	Do.	Do.	Do.

SCHEDULE B—*concld.*

Serial No.	Description of Goods	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
73	Suit cases, attache cases and despatch cases sold at a rate not less than rupees twenty-five each.	Twelve pies in the rupee.	Six pies in the rupee.	Twleve pies in the rupee.
74	Table cutlery, including knives, forks and spoons.	Do.	Do.	Do.
75	Tabulating, calculating, cash registering, indexing, card punching, franking and addressing machines and Adrema machines.	Do.	Do.	Do.
76	Typewriters and duplicating and roneo machines.	Do.	Do.	Do.
77	Upholstered furniture ..	Do.	Do.	Do.
78	Wireless reception instruments and apparatus and radio gramaphones; electrical valves, accumulators, amplifiers and loud-speakers.	Do.	Do.	Do.
79	Textile fabrics of any kind including saris, dhotis, sheets, chaddars, blankets and other similar articles (except (*i*) cloth woven on handlooms and (*ii*) coarse and medium cotton cloth woven in mills or on power-looms) sold at a rate not less than Rs. 3 per yard.	Fifteen pies in the rupee.	Do.	Fifteen pies in the rupee.
80	All goods other than those specified from time to time in Schedule A and in the preceding entries.	Three pies in the rupee.	Do.	Three pies in the rupee.

THE BOMBAY APPROPRIATION ACT, 1953.

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PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 2,75,37,42,521 out of the Consolidated Fund of the State of Bombay for the year 1953-54.
3. Appropriation.

SCHEDULE.

BOMBAY ACT No. VI OF 1953.[1]

[THE BOMBAY APPROPRIATION ACT, 1953.]

[*30th March 1953*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954; and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay Appropriation Act, 1953. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 2,75,37,42,521 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule to this Act. Issue of Rs. 2,75,37,42,521 out of the Consolidated Fund of the State of Bombay for the year 1953-54.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ...	7, Land Revenue ...	1,74,76,070	.....	1,74,76,070
2	State Excise ...	8, State Excise ..	38,48,100	.....	38,48,100
3	Stamps ...	9, Stamps ...	5,73,000	.....	5,73,000
4	Forest ...	10, Forest ...	1,25,44,900	33,000	1,25,77,900
5	Registration ...	11, Registration ...	15,38,000	.....	15,38,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	17,97,100	1,74,29,000	1,92,26,100

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 270.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3			
			Rs.	Rs.	Rs.
7	Other Taxes and Duties.	13, Other Taxes and Duties.	37,44,700	1,29,85,000	1,67,29,700
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	.....	84,57,000	84,57,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses and 18, Other revenue expenditure financed from ordinary revenues.	1,63,11,000	.....	1,63,11,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	.....	2,10,04,000	2,10,04,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	.....	1,75,94,000	1,75,94,000
12	General Administration.	25, General Administration.	5,40,67,870	9,77,000	5,50,44,870
13	Administration of Justice.	27, Administration of Justice.	1,89,72,700	20,76,000	2,10,48,700
14	Jails and convict Settlements.	28, Jails and Convict Settlements.	91,31,000	....	91,31,000
15	Police	29, Police ..	9,25,36,950	....	9,25,36,950
16	Ports and Pilotage ..	30, Ports and Pilotage.	6,45,000	....	6,45,000
17	Dangs District ..	33-A, Dangs District.	43,00,300	....	43,00,300
18	Scientific Departments..	36, Scientific Departments.	7,15,000	....	7,15,000
19	Education ..	37, Education ..	12,68,56,000	....	12,68,56,000
20	Medical ..	38, Medical ..	2,62,80,000	....	2,62,80,000
21	Public Health	39, Public Health ..	2,94,90,640	....	2,94,90,640

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
22	Agriculture ..	40, Agriculture ..	2,06,07,741	....	2,06,07,741
23	Veterinary ..	41, Veterinary ..	27,27,800	....	27,27,800
24	Co-operation ..	42, Co-operation ..	88,35,800	....	88,35,800
25	Industries ..	43, Industries ..	82,68,000	....	82,68,000
26	Industries Development.	43-A, Capital Outlay on Industrial Development.	13,000	....	13,000
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	4,83,88,700	....	4,83,88,700
28	Labour ..	47, Miscellaneous Departments.	31,83,500	....	31,83,500
29	Civil Works ..	50, Civil Works ..	7,38,06,300	4,33,600	7,42,39,900
30	Bombay Development Scheme.	51, Bombay Development Scheme.	20,13,000	....	20,13,000
31	Electricity Schemes ..	XLI—Receipts from Electricity Schemes—*Deduct*—Working expenses.	69,30,000	....	69,30,000
32	Other Revenue Expenditure connected with Electricity Schemes.	52-A, Other Revenue Expenditure connected with Electricity Schemes.	21,94,500	....	21,94,500
33	Electricity Schemes ..	53, Capital Outlay on Electricity Schemes.	2,58,91,000	....	2,58,91,000
34	Famine ..	54, Famine ..	57,25,000	....	57,25,000
35	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	25,000	....	25,000
36	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	16,78,000	....	16,78,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
37	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,64,51,000	4,75,000	2,69,26,000
38	Stationery and Printing.	56, Stationery and Printing.	1,00,93,150	....	1,00,93,150
39	Miscellaneous ..	57, Miscellaneous ..	3,52,93,000	....	3,52,93,000
40	Extraordinary Charges.	63, Extraordinary Charges.	4,000	....	4,000
41	Civil Defence ..	64-B, Civil Defence.	1,03,000	....	1,03,000
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	70,30,59,821	8,14,63,600	78,45,23,421
42	Irrigation ..	68, Construction of Irrigation, etc., Works.	5,24,52,000	....	5,24,52,000
43	Public Health ..	70, Capital Outlay on Improvement of Public Health.	74,70,000	....	74,70,000
44	Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	1,05,00,000	....	1,05,00,000
45	Industrial Development.	72, Capital Outlay on Industrial Development.	39,52,000	....	39,52,000
46	Bombay Development Scheme.	80, Bombay Development Scheme.	9,000	....	9,000
47	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	1,66,28,000	....	1,66,28,000
48	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	4,97,35,000	....	4,97,35,000

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
49	Housing for Displaced Persons and Milk Scheme.	82, Capital Account of other Provincial Works outside the Revenue Account.	3,77,65,000	....	3,77,65,000
50	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	10,40,000	....	10,40,000
51	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	1,65,69,32,100	51,15,000	1,66,20,47,100
		Total Capital Expenditure outside the Revenue Account.	1,83,64,83,100	51,15,000	1,84,15,98,100
52	Permanent Debt ..	Permanent Debt.	....	19,13,000	19,13,000
53	Floating Debt ..	Floating Debt.	....	4,00,00,000	4,00,00,000
54	Loans from the Central Government.	Loans from the Central Government.	....	1,16,64,000	1,16,64,000
55	Loans and Advances bearing interest.	Loans and Advances by State Government.	7,39,44,000	1,00,000	7,40,44,000
		Total Disbursement under Debt Heads.	7,39,44,000	5,36,77,000	12,76,21,000
		Grand Total ..	2,61,34,86,921	14,02,55,600	2,75,37,42,521

THE BOMBAY CINEMAS (REGULATION) ACT, 1953.

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PREAMBLE.

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1. Short title, extent and commencement.
2. Definitions.
3. Cinematograph exhibitions to be licensed.
4. Licensing authority.
5. Restrictions on powers of licensing authority.
6. Power of State Government or licensing authority to suspend exhibition of films in certain cases.
7. Penalties for contravention of Act.
8. Power to revoke or suspend licence.
9. Power to make rules.
10. Power to exempt.
11. Repeal of Act II of 1918.

BOMBAY ACT No. XI OF 1953.[1]

[THE BOMBAY CINEMAS (REGULATION) ACT, 1953.]

[*17th April 1953*]

Amended by Bom. 38 of 1955.

An Act to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay ; It is hereby enacted as follows :— Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Cinemas (Regulation) Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint. Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " cinematograph " includes any apparatus for the representation of moving pictures or series of pictures ;

(*b*) " licensing authority " means the authority empowered to grant licences under section 4 ;

(*c*) " place " includes a house, building, tent and any description of transport, whether by sea, land or air ;

(*d*) " prescribed " means prescribed by rules made under this Act.

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence. Cinematograph exhibitions to be licensed.

4. The authority having power to grant licences under this Act, shall be— Licensing authority.

(*i*) in Greater Bombay, the Commissioner of Police, Greater Bombay ;

(*ii*) in other areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner ; and

Bom. XXII of 1951.

(*iii*) elsewhere, the District Magistrate :

Provided that the State Government may, by notification in the *Official Gazette*, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. (*1*) The licensing authority shall not grant a licence under this Act, unless it is satisfied that— Restrictions on powers of licensing authority.

(*a*) the rules made under this Act have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 225

(*2*) Subject to the provisions of sub-section (*1*), the licensing authority may, with the previous sanction of the State Government, grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as may be prescribed.

(*3*) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of State Government or licensing authority to suspend exhibition of films in certain cases.

6. (*1*) The State Government in respect of the whole of the State or any part thereof or the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film in the State, part or area, as the case may be.

(*2*) When an order under sub-section (*1*) has been issued by the licensing authority a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(*3*) An order made under sub-section (*1*) shall, unless it is annulled by the State Government under sub-section (*2*), remain in force for a period of two months from the date thereof but the State Government may, if it is of opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

Penalties for contravention of Act.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act [1][or if the owner or person in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 10], he shall, on conviction, be punished with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues after conviction for the first such offence.

Power to revoke or suspend licence.

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act [2][or of any of the conditions or restrictions imposed by an order of exemption made under section 10], or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, the licensing authority may revoke the licence or suspend it for such period as it may think fit. XXXVI of 1952.

Power to make rules.

9. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

[1] These words and figures were inserted by Bom. 38 of 1955, s. 2.
[2] These words and figures were inserted, *ibid.*, s. 3.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely :—

(*a*) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act ;

(*b*) providing for the regulation of cinematograph exhibitions for securing the public safety ;

(*c*) regulating the means of entrance and exit at places licensed under this Act ; and providing for prevention of disturbance thereat ;

(*d*) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

[1][(*3*) In making rules under this section the State Government may provide that any person failing to comply with or contravening the provisions of any rule shall, on conviction, be punished with fine which may extend to one thousand rupees.

(*4*) The power to make rules under this section shall be subject to the condition of previous publication.]

Power to exempt.

10. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal of Act II of 1918.

II of 1918.

11. The Cinematograph Act, 1918, in its application to the State of Bombay and in so far as it relates to the regulation of exhibition by means of cinematograph (including licensing of places in which cinematograph films are exhibited), is hereby repealed.

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[1] These sub-sections were added by Bom. 88 of 1955, s. 4.

BOMBAY ACT No. XII OF 1953.[1]

[THE EPIDEMIC DISEASES (BOMBAY AMENDMENT) ACT, 1953.]

[*18th April 1953*]

An Act to amend the Epidemic Diseases Act, 1897, in its application to the State of Bombay.

III of 1897. WHEREAS it is expedient to amend the Epidemic Diseases Act, 1897, in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Epidemic Diseases (Bombay Amendment) Act, 1953.

Insertion of new section 2B in Act III of 1897. III of 1897. 2. After section 2A of the Epidemic Diseases Act, 1897, the following new section shall be inserted, namely :—

Delegation of powers. "2B. The State Government may, by notification in the *Official Gazette*, direct that the powers exercisable by it under section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercisable also by the Collectors within their respective jurisdiction."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 229.

BOMBAY ACT No. XVI OF 1953.[1]

[THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) (BOMBAY AMENDMENT) ACT, 1953.]

[*30th April 1953*]

An Act to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, in its application to the State of Bombay.

XLVIII of 1950. WHEREAS it is expedient to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Industrial Disputes (Appellate Tribunal) (Bombay Amendment) Act, 1953.

XLVIII of 1950. 2. After section 20 of the Industrial Disputes (Appellate Tribunal) Act, 1950, in its application to the State of Bombay, the following new section shall be inserted, namely :— Insertion of new section 20A in Act XLVIII of 1950.

Application of section 20 to settlements of Conciliation Officers, Conciliators and Boards of Conciliation. "20A. The provisions of section 20 shall apply *mutatis mutandis* to the settlements made by the Conciliation Officers, Conciliators or Boards of Conciliation appointed or constituted under the Industrial Disputes Act, 1947, or under the Bombay Industrial Relations Act, 1946, and for the purposes of the said section 20 such settlements shall be deemed to be awards or decisions of Industrial Tribunals."

XIV of 1947. Bom. XI of 1947.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 29.

THE GANDHI NATIONAL MEMORIAL FUND (LOCAL AUTHORITIES DONATIONS) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Use of contribution or donation for purposes outside the limits of local authority.

BOMBAY ACT No. XVII OF 1953.[1]

[THE GANDHI NATIONAL MEMORIAL FUND (LOCAL AUTHORITIES' DONATIONS) ACT, 1953.]

[*2nd May 1953*]

An Act to authorise the use of contributions or donations made by local authorities to the Gandhi National Memorial Fund outside the limits of such local authorities.

WHEREAS it is expedient to make provision for authorising the use of the contributions or donations made by local authorities in the State of Bombay to the fund known as the Gandhi National Memorial Fund, outside the limits of such local authorities; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Gandhi National Memorial Fund (Local Authorities' Donations) Act, 1953.

Definitions.

2. In this Act unless there is anything repugnant to the subject or context,—

(*1*) "the Gandhi National Memorial Fund" means the fund known as the Gandhi National Memorial Fund started under the auspices of the President of the Indian National Congress ;

(2) "local authority" means a municipal corporation constituted under the Bombay Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949, or a municipality constituted under the Bombay District Municipal Act, 1901, or the Bombay Municipal Boroughs Act, 1925, or a district local board constituted under the Bombay Local Boards Act, 1923, or a village panchayat constituted under the Bombay Village Panchayats Act, 1933.

Bom. III of 1888. Bom. LIX of 1949. Bom. III of 1901. Bom. XVIII of 1925. Bom. VI of 1923. Bom. VI of 1933.

Use of contribution or donation for purposes outside the limits of local authority.

3. Notwithstanding anything contained in any enactment in regard to any Municipal Fund or Local Fund, contributions or donations made before or after the commencement of this Act to the Gandhi National Memorial Fund by a local authority and used or to be used for a purpose, object or cause outside the local limits of such local authority shall be deemed to have been validly used and may be used for the said purpose, object or cause :

Provided that nothing in this section shall authorise or shall be deemed to have authorised the trustees of the Gandhi National Memorial Fund to use the amount of such contribution or donation for a purpose, object or cause other than that specified by such local authority.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 27.

BOMBAY ACT No. XXV OF 1953 [1]

[THE INDIAN FOREST (BOMBAY AMENDMENT) ACT, 1953.]

[*12th May 1953*]

An Act to amend the Indian Forest Act, 1927, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Indian Forest Act, 1927, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows :—

XVI of 1927.

1. This Act may be called the Indian Forest (Bombay Amendment) Act, 1953. Short title.

2. In sections 52, 53 and 55 of the Indian Forest Act, 1927, for the word "carts", wherever it occurs, the word "vehicles" shall be substituted. Amendment of sections 52, 53 and 55 of Act XVI of 1927.

XVI of 1927.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 156.

THE PRISONS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 3 of Act IX of 1894.
3. Amendment of section 46 of Act IX of 1894.
4. Amendment of section 47 of Act IX of 1894.
5. Insertion of new section 48A in Act IX of 1894.
6. Amendment of section 59 of Act IX of 1894.

BOMBAY ACT No. XXVII OF 1953.[1]

[THE PRISONS (BOMBAY AMENDMENT) ACT, 1953.]

[*13th May 1953*]

An Act to amend the Prisons Act, 1894, in its application to the State of Bombay.

IX of 1894. WHEREAS it is expedient to amend the Prisons Act, 1894, in its application to the State of Bombay; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Prisons (Bombay Amendment) Act, 1953.

Amendment of section 3 of Act IX of 1894. **2.** In section 3 of the Prisons Act, 1894, hereinafter referred to as the said Act, IX of 1894. for clause (5), the following clauses shall be substituted, namely :—

"(5) 'remission system' means the system of regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail in accordance with the rules for the time being in force ;

(5A) 'furlough system' means the system of releasing prisoners in jail on furlough in accordance with the rules for the time being in force."

Amendment of section 46 of Act IX of 1894. **3.** In section 46 of the said Act, in clause (4), for the words "the remission system" the words "the remission or furlough system" shall be substituted.

Amendment of section 47 of Act IX of 1894. **4.** In section 47 of the said Act, in clause (4) of sub-section (*1*), for the words "the remission system" the words "the remission or furlough system" shall be substituted.

Insertion of new section 48A in Act IX of 1894. **5.** After section 48 of the said Act, the following section shall be inserted, namely :—

Punishment for breach of conditions of suspension of sentence, etc. "48A. If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such offence by—

(*1*) a formal warning as provided in clause (1) of section 46 ;

(*2*) reduction in grade if such prisoner has been appointed an officer of prison ;

(*3*) loss of privileges admissible under the remission or furlough system ; or

(*4*) loss of such other privileges as the State Government may by a general or special order direct."

Amendment of section 59 of Act IX of 1894. **6.** In section 59 of the said Act, for clause (5), the following clause shall be substituted, namely :—

"(5) for the award of marks, granting remission or furlough, determining the conditions on which and the authority by which such remission or furlough shall be granted and the consequent shortening of the sentence."

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 2-3.

BOMBAY ACT No. XXIX OF 1953.[1]

[THE BOMBAY EVACUEE INTEREST (SEPARATION) VALIDATING AND SUPPLEMENTARY ACT, 1953.]

[*14th May 1953*]

An Act to validate and supplement certain provisions of the Evacuee Interest (Separation) Act, 1951, in its application to the State of Bombay.

WHEREAS it is expedient to validate and supplement certain provisions of the Evacuee Interest (Separation) Act, 1951, in its application to the State of Bombay; It is hereby enacted as follows :—

LXIV of 1951.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Evacuee Interest (Separation) Validating and Supplementary Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force at once.

Supplementing and validating of certain provisions of Act LXIV of 1951.

LXIV of 1951.

2. (*a*) The provisions of the Evacuee Interest (Separation) Act, 1951, shall in so far as they relate to any of the matters enumerated in List II in the Seventh Schedule to the Constitution be deemed to be and always to have been valid and effectual for all purposes as if they had been in relation to any such matters as aforesaid enacted by the State Legislature with effect from the 15th day of December 1952 ; and

(*b*) any order made or action taken by any competent authority or anything duly done under the said Act on and after the aforesaid date in so far as such order, action or thing relates to any such matters as aforesaid shall not be called in question on the ground that the order, action or thing is invalid and ineffectual by reason of the incompetence of Parliament to make laws relating to any of the aforesaid matters.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 302.

The Bombay Sales Tax Act, 1952 (Suspension) Act, 1953 (Bom. XXX of 1953) at pages 3959–3962 has been repealed by the Bombay Sales Tax Act, 1953 (Bom. III of 1953), section 50 (1).

THE BOMBAY UNIVERSITY ACT, 1953.

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BOMBAY ACT No. XXXI OF 1953.[1]

[THE BOMBAY UNIVERSITY ACT, 1953.]

[*18th May 1953*]

Amended by Bom. 2 of 1954.
" " " 30 of 1954.

An Act to amend and consolidate the law relating to the University of Bombay.

WHEREAS, consequent upon the establishment of other Universities as a measure in the decentralisation and reorganisation of University education in the State of Bombay, it is necessary to reconstitute the University of Bombay into a teaching and federal University in order to enable it to provide greater facilities for University education and whereas it is necessary and expedient for the said purposes to amend and consolidate the law relating to the said University; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Bombay University Act, 1953.

(*2*) The State Government may, by notification in the *Official Gazette*, direct that this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "affiliated college" means a college affiliated under section 50 and includes also a college deemed to be affiliated under section 65;

(*2*) "college" means a degree college or an intermediate college;

(*3*) "constituent college" means a university college or an affiliated college made constituent under section 56;

(*4*) "degree college" means a college, which is authorized to submit its students to an examination qualifying for any degree of the University;

(*5*) "department" means a department designated as such by the Ordinances with reference to a subject or a group of subjects;

(*6*) "Director of Education" means the Director of Education Bombay State;

(*7*) "Fellow" means an *ex-officio* Fellow or an Ordinary Fellow appointed under the provisions of this Act;

(*8*) "Head Master" means the head of a High School;

(*9*) "Head of Department" means a teacher principally responsible for instruction, training or research in a department;

(*10*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Education, or by an officer authorized by him in that behalf;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Part V pp. 207-209.

(*11*) "hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(*12*) "intermediate college" means a college other than a degree college;

(*13*) "prescribed" means prescribed by Statues, Ordinances or Regulations;

(*14*) "Principal" means the head of a college;

(*15*) "recognized institution" means an institution recognized under section 52 and includes also an institution deemed to have been recognized under section 65;

(*16*) "registered graduate" means a graduate registered under section 17 and includes a graduate deemed to have been registered under section 65;

(*17*) "Schedule" means a schedule appended to this Act;

(*18*) "secondary teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by Statutes;

(*19*) "Statues", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made or deemed to have been made under this Act and for the time being in force;

(*20*) "teacher" means a professor, reader or lecturer, imparting instruction or guiding research in the University, an affiliated college or recognized institution or such other person as may be declared to be a teacher by the Statues;

(*21*) "Teacher of the University" means a teacher appointed or recognized by the University for imparting instruction on its behalf;

(*22*) "University" means the University of Bombay as reconstituted under this Act;

(*23*) "University Area" means the area comprised in Greater Bombay;

(*24*) "University College" means a college which the University may establish or maintain under this Act or a college transferred to the University and maintained by it;

(*25*) "University Department" means any collegiate or post-graduate or research institution or department maintained by the University;

(*26*) "University Professor", "University Reader" or "University Lecturer" means a professor, reader or lecturer appointed or recognized as such by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor, the Rector, if any, the Fellows, the members of the Syndicate and the Academic Council of the University and all persons who are deemed to be or may be appointed or elected as such officers, Fellows or members under this Act, so long as they continue to be such officers, Fellows or members, are hereby constituted and declared to be one body corporate by the name of the University of Bombay, and such body corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(*2*) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

4. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers, namely :— Powers of the University.

(*1*) to provide for instruction, teaching and training in such branches of learning and courses of study as it may think fit and to make provision for research and for the advancement and dissemination of knowledge ;

(*2*) to make such provision as would enable affiliated colleges and recognized institutions to undertake specialization of studies ;

(*3*) to organize university laboratories, libraries, museums and other equipment for teaching and research ;

(*4*) to establish, maintain and manage departments and institutes of research or specialized studies ;

(*5*) to institute professorships, readerships, lecturerships and any other posts of teachers required by the University ;

(*6*) to appoint or recognize persons as professors, readers or lecturers or otherwise as teachers of the University ;

(*7*) to lay down the courses of instruction for various examinations ;

(*8*) to guide the teaching in colleges or recognized institutions ;

(*9*) to institute degrees, diplomas and other academic distinctions ;

(*10*) to hold examinations including University Entrance examination and confer degrees, diplomas and other academic distinctions on persons who—

(*a*) have pursued approved courses of study in the University or in an affiliated college or in a recognized institution unless exempted therefrom in the manner prescribed by the Statutes, Ordinances and Regulations and have passed the examinations prescribed by the University, or

(*b*) have carried on research under conditions prescribed by the Ordinances and Regulations ;

(*11*) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes ;

(*12*) to grant such diplomas and certificates to, and to provide such lectures, instruction and training, for persons not being enrolled students of the University as the University may determine by the Statutes, Ordinances and Regulations ;

(*13*) to admit educational institutions to the privileges of the University and to withdraw such privileges ;

(*14*) to inspect colleges and recognized institutions and to take measures to ensure that proper standards of instruction, teaching or training are maintained in them ;

(*15*) to control and co-ordinate the activities of, and give financial aid to, affiliated colleges and recognized institutions ;

(*16*) to hold and manage trusts and endowments and to institute and award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(*17*) to make special provision for the spread of University education among classes and communities, which are educationally backward ;

(*18*) to make special provision for disseminating knowledge and promoting arts and culture ;

(*19*) to fix, to demand and to receive such fees and other charges as may be prescribed by the Ordinances ;

(*20*) to establish, maintain and manage hostels ;

(*21*) to recognize hostels not maintained by the University, to inspect such hostels and to withdraw recognition therefrom ;

(*22*) to supervise and control the conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare ;

(*23*) to conduct, co-ordinate, regulate and control post-gradute research work and teaching in the affiliated colleges and the institutions recognized by the University ;

(*24*) to co-ordinate, regulate and control the conduct of post-intermediate teaching and instruction in affiliated colleges and to undertake the same in University Colleges ;

(*25*) to institute and manage—

(*a*) Printing and Publication Department,

(*b*) University Extension Boards,

(*c*) Information Bureaux, and

(*d*) Employment Bureaux ;

(*26*) to make provision—

(*a*) for extra-mural teaching and research,

(*b*) for physical and military training,

(*c*) for Students' Unions, and

(*d*) for sports and athletic clubs ;

(*27*) to provide for training for competitive examinations for services under the Union or the State Governments ;

(*28*) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(*29*) to do all such acts and things whether incidental to the powers aforesaid or not as may be requisite in order to further the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

Jurisdiction and admission to privileges.

5. (*1*) The territorial limits, within which the powers conferred upon the University by this Act shall be exercised, shall comprise the whole of the University area.

(*2*) No educational institution situate within the University area shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of any other University established by law.

(*3*) Any educational institution situate anywhere outside the University area may with the sanction of the State Government, apply to the University for being admitted to the privileges of the University and such institution may, subject to such conditions and restrictions as the University and the State Government think fit to impose, be admitted to the privileges of the University.

(*4*) Nothing in this section shall apply to any educational institution admitted or deemed to be admitted to the privileges of the Shrimati Nathibai Damodar Thackersey Women's University constituted under the Shrimati Nathibai Damodar Thackersey Women's University Act, 1949.

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University open to all irrespective of religion, race, caste, sex, place of birth or opinion.

6. (*1*) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma, or other academic distinction or course of study on the grounds only of religion, race, caste, sex, place of birth, or political or other opinion :

Provided that the University may subject to the previous sanction of the State Government, maintain, affiliate or recognize any college or institution exclusively for women either for education, instruction or residence, or reserve for women or members of classes and communities which are educationally backward, places for the purposes of admission as students in any college or institution maintained or controlled by the University.

(*2*) It shall not be lawful for the University to impose on any person any test whatsoever relating to religion, race, caste, sex, place of birth, or political or other opinion in order to entitle him to be admitted as a teacher or to hold any office in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Inspection and inquiry.

7. (*1*) The Chancellor shall have the right to cause an inspection to be made, by such person or persons as he may direct, of the University, its building, laboratories, libraries, museums, workshops and equipment, of any institution, college or hostel maintained or recognized by, or affiliated to, the University, of the teaching and other work conducted by the University, and of the conduct of examinations held by the University and to cause an inquiry to be made in respect of any matter connected with the University. The Chancellor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made and the University shall be entitled to be represented thereat.

(*2*) The Chancellor shall communicate to the Syndicate and to the Senate his views with reference to the results of such inspection or inquiry and shall, after ascertaining the opinion of the Syndicate and the Senate thereon, advise the University on the action to be taken.

(*3*) The Syndicate shall report to the Chancellor such action, if any, as it has taken or may propose to take upon the results of the inspection or inquiry. Such report shall be submitted with the opinion of the Senate thereon and within such time as the Chancellor may direct.

(*4*) Where the Syndicate does not within a reasonable time take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Syndicate, issue such directions as he may think fit and the Syndicate shall comply with such directions.

CHAPTER III.

OFFICERS OF THE UNIVERSITY.

Officers of the University.

8. The following shall be the officers of the University, namely :—

(*i*) the Chancellor,

(*ii*) the Vice-Chancellor,

(*iii*) the Rector, if any,

(*iv*) the Registrar, and

(*v*) such other officers in the service of the University as may be declared by the Statutes to be officers of the University.

The Chancellor.

9. (*1*) The Governor of Bombay for the time being shall be the Chancellor of the University. He shall, by virtue of his office, be the head of the University and the President of the Senate and shall, when present, preside at meetings of the Senate and at any convocation of the University.

(*2*) The Chancellor shall exercise such powers as may be conferred on him by or under the provisions of this Act.

The Vice-Chancellor.

10. (*1*) The Chancellor shall appoint the Vice-Chancellor who shall hold office for three years, and shall be eligible for reappointment.

(*2*) When any temporary vacancy of the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Syndicate shall, as soon as possible, subject to the approval of the Chancellor, make such arrangements for carrying on the duties of the office of the Vice-Chancellor, as it may think fit. Until such arrangements are made, the Rector and if no Rector has been appointed or if the Rector also is not available, the Dean nominated by the Chancellor for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(*3*) The Vice-Chancellor shall be an honorary officer. The Senate shall place at the disposal of the Vice-Chancellor annually a sum of Rs. 5,000 by way of sumptuary allowance.

Powers of Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall, in the absence of the Chancellor, preside at a meeting of the Senate and any convocation of the University. He shall be an *ex-officio* member and the Chairman of the Syndicate and of the Academic Council and of such other authorities of the University of which he is a member. He shall be entitled to be present, with the right to address, at any meeting of any other authority or body of the University.

(*2*) The Vice-Chancellor shall have power to convene meetings of the Senate, the Syndicate and the Academic Council. He may delegate this power to any other officer of the University.

(*3*) It shall be the duty of the Vice-Chancellor to ensure that this Act, the Statutes, Ordinances and Regulations are faithfully observed and he shall have power necessary for the purpose,

(*4*) (*a*) In an emergency, which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity thereafter report the action to such officer, authority or body, as would have in the ordinary course, dealt with the matter.

(*b*) When action taken by the Vice-Chancellor under this sub-section affects any person in the service of the University, such person shall be entitled to prefer an appeal to the Syndicate through the officer, authority or body mentioned in clause (*a*) within fifteen days from the date on which such action is communicated to him.

(*5*) The Vice-Chancellor shall give effect to the decisions, or orders of the Syndicate regarding the appointment, dismissal, suspension and punishment of the persons in the service of the University or teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University. He shall be responsible for the proper administration of the affairs of the University in accordance with this Act, the Statutes and Ordinances.

(*6*) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes, Ordinances and Regulations.

Rector.

12. (*a*) The Senate may by resolution decide that the appointment shall or shall not be made to the office of the Rector.

(*b*) If the Senate decides under clause (*a*) that the appointment shall be made to the office of the Rector, the Rector shall be appointed by the Chancellor in consultation with the Vice-Chancellor. The Rector shall be a whole-time salaried officer and his emoluments and conditions of service shall be determined by the Statutes.

(*c*) The Rector shall be the principal inspecting officer of the University and his powers and duties shall be such as may be prescribed by the Statutes. He shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor.

Registrar.

13. The Registrar shall be a whole-time salaried officer and shall act as the Secretary of the Senate, of the Syndicate and of the Academic Council. He shall be appointed by the Syndicate in accordance with the Statutes to be made in this behalf, and his emoluments and conditions of service shall be such as may be prescribed by the Statutes. He shall exercise such powers and perform such duties as may be prescribed by the Statutes, Ordinances and Regulations.

Other Officers.

14. The appointment of other officers of the University referred to in clause (*v*) of section 8 shall be made in such manner and the conditions of their service and their powers and duties shall be such as may be prescribed by the Statutes, Ordinances and Regulations.

CHAPTER IV.

AUTHORITIES OF THE UNIVERSITY.

Authorities of University.

15. The following shall be the authorities of the University :—

(1) the Senate,

(2) the Syndicate,

(3) the Academic Council,

(4) the Faculties,

(5) the Boards of Studies,

(6) the Boards of University Teaching and

(7) such other bodies of the University as the Senate may declare by Statutes to be the authorities of the University.

(*A*) *The Senate.*

Constitution of Senate.

16. (*1*) The Senate shall consist of the following :—

I. *Ex-officio Fellows.*

(A) (*i*) The Chancellor,

(*ii*) The Vice-Chancellor,

(*iii*) The Rector, if any,

(*iv*) The ex-Vice-Chancellors of the University,

(*v*) The Heads of University Departments,

(*vi*) The Registrar,

(B) (*i*) The Chief Justice of Bombay,

(*ii*) The Minister of Education, Bombay,

(*iii*) The Deputy Minister of Education, Bombay,

(*iv*) The Vice-Chancellors of other Universities established by law in the State of Bombay,

(*v*) The Secretary to the Government of Bombay, Education Department,

(*vi*) The Director of Education,

(*vii*) The Surgeon-General with the Government of Bombay,

(*viii*) The Director of Animal Husbandry and Veterinary Science,

(*ix*) The Director of Industries,

(*x*) The Director of Technical Education,

(*xi*) The Chief Engineer or a Superintending Engineer, Public Works Department, nominated by the State Government.

(*xii*) The Chairman of the Secondary School Certificate Examination Board,

(C) (*i*) Deans of Faculties,

(*ii*) Principals of Colleges,

(*iii*) Heads of recognized institutions,

(*iv*) Members of the Academic Council who are elected to the Syndicate by the Academic Council and who are not already Fellows.

II. *Ordinary Fellows.*

(*A*) Elected as prescribed below :—

(*i*) Two persons elected by the Head Masters (from among themselves).

(*ii*) Twenty representatives of the Registered Graduates of the University to be elected faculty-wise, as follows :—

(*a*) By Registered Graduates in Arts (from among themselves)	5
(*b*) By Registered Graduates in Science (from among themselves)	5
(*c*) By Registered Graduates in Technology (from among themselves)	3
(*d*) By Registered Graduates in Medicine (from among themselves)	3
(*e*) By Registered Graduates in Commerce (from among themselves)	2
(*f*) By Registered Graduates in Law (from among themselves)	2
Total ...	20

(*iii*) Two members elected by secondary teachers of high schools excluding Head Masters (from among themselves).

(*iv*) Twenty persons elected by teachers (from among themselves) as follows :—

(*a*) Teachers in Arts	5
(*b*) Teachers in Science	5
(*c*) Teachers in Technology	3
(*d*) Teachers in Medicine	4
(*e*) Teachers in Commerce	2
(*f*) Teacher in Law	1
Total ...	20

Provided that, for the purpose of the election of Ordinary Fellows, a person entitled to stand as a candidate or to vote in more than one constituency mentioned under the entries (*i*), (*ii*), (*iii*) and (*iv*) shall, before such date as may be appointed by the Statute, elect the constituency from which he desires to stand as a candidate or to vote at the election and shall not be entitled to stand as a candidate or to vote in more than one constituency.

(*v*) One representative each of the following Associations :—

(*a*) the Municipal Corporation for Greater Bombay,

(*b*) the Indian Merchants' Chamber,

(*c*) the Bombay Chamber of Commerce,

(*d*) the Bombay Millowners' Association.

(*vi*) Two representatives elected by registered trade unions in the University Area, designated by Statutes, from among their members.

(*vii*) (*a*) Four representatives elected by the members of the Bombay Legislative Assembly from among themselves, if they are not already members of the Senate;

(*b*) One representative elected by the members of the Bombay Legislative Council from among themselves, if he is not already a member of the Senate:

Provided that—

(*1*) every person elected under any of the entries (i), (iii), (iv) and (v) shall hold the office of a Fellow only so long as he occupies the office or comes under the designation which entitled him to be so elected; and

(*2*) the Fellows representing the Bombay Legislative Assembly shall hold office for the duration of the Legislative Assembly electing them and the Fellow representing the Bombay Legislative Council shall hold office so long as he is the member of the said Council and thereafter up to the date on which new Fellows are elected by the next Assembly or the Council, as the case may be;

(*B*) Fifteen persons nominated by the Chancellor:

(*C*) Five members to be elected in the manner specified below from amongst themselves by donors each donating money or other property of the value of not less than one lakh of rupees—

(*a*) to, or for the purposes of, the University; or

(*b*) to, or for the purposes of, an affiliated college or a recognized institution:—

(*i*) if the donor is an individual, for the purpose of voting, the name of each such donor shall be enrolled on the register maintained by the University;

(*ii*) if the donor is an undivided Hindu family, trust, firm, company or body corporate, for the purpose of voting, the name of the representative nominated from time to time by each such undivided Hindu family, trust, firm, company or body corporate shall be enrolled on the register maintained by the University;

(*iii*) where sub-clause (iv) does not apply, the persons whose names are enrolled on the register under sub-clauses (i) and (ii) shall elect five members to the Senate;

(*iv*) if the number of names enrolled under sub-clauses (i) and (ii) is five or less than five, each person whose name is so enrolled shall be deemed to have been elected:

Provided that the right of electing members on the Senate shall not extend beyond the period of twenty years from the date of the acceptance of such donation by the college, institution or Syndicate, as the case may be.

Explanation I.—In paragraph (C), the reference to donors each donating money or other property of the value of not less than one lakh of rupees shall include donors each of whom has donated money or other property of the value of not less than one lakh of rupees, to, or for the purposes of, the college or institution prior to the date on which such college or institution was deemed to be affiliated or recognized and admitted to the privileges of the University under section 65 or affiliated to or recognized by the University under section 50 or 52, as the case may be.

Explanation II.—For the purposes of paragraph (C), the value of the property means, in the case of property donated whether prior to or after the date of the coming into force of this Act, the market value of the property at the date of acceptance. The decision as to the market value shall rest with the Syndicate and shall be final.

(2) If, in the case of any election, the question is raised whether any person is or is not a principal or a teacher of the University or headmaster or donor, the question shall be decided by the Vice-Chancellor.

Registered graduates.

17. (1) Subject to the provisions of sub-section (2), the following persons shall be entitled to have their names entered in the register of registered graduates or to be registered graduates, namely:—

(a) persons who are the graduates of the University;

(b) persons who are the graduates of the University of Bombay constituted under the Indian Universities Act, 1904, or the Bombay University Act, 1928;

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Bom. IV of 1928.

(c) persons who being graduates of any other University are recognized as registered graduates in accordance with the statutes.

(2) A person—

(a) who is of unsound mind and stands so declared by a competent court,

(b) who is an undischarged insolvent,

(c) who is convicted by a Court of an offence punishable with transportation for life or imprisonment for more than six months and such offence involves moral turpitude, or

(d) who is a registered graduate of any other university established by law in the State of Bombay,

shall be disqualified to have his name entered in the register of graduates or to be a registered graduate:

Provided that the disqualification in clause (d) shall not apply to a person referred to in clause (b) of sub-section (1) if within [1][eight months] from the commencement of this Act such person elects to be a registered graduate of the University only and intimates to the Registrar that he has so made his election. Upon such intimation such person shall cease to be a registered graduate of any other University established by law in the State of Bombay.

(3) Every person who intends to be a registered graduate shall make an application to the Registrar in such form and on payment of such fee as may be prescribed by Statutes. After making such inquiry as he thinks fit, the Vice-Chancellor shall decide whether a person is entitled to be or not to be a registered graduate.

(4) If any question arises whether a person is entitled to have his name entered in the register of graduates or to be a registered graduate or is disqualified to be a registered graduate, it shall be decided by the Vice-Chancellor whose decision shall be final.

[1] These words were substituted for the words "six months", by Bom. 2 of 1954, s. 2.

Office vacated on leaving India.

18. If any person being Vice-Chancellor or Fellow shall leave India, without the intention of returning thereto, his office shall thereupon become vacant.

Vacating of office.

19. (*1*) Any Ordinary Fellow may, by a letter addressed to the Chancellor, resign his office and on the acceptance of his resignation the office shall become vacant.

(*2*) If, for a period of twelve consecutive months, any Ordinary Fellow, except a Fellow elected under paragraph (*c*) under heading "II. *Ordinary Fellows*" in section 16 has not attended a meeting of the Senate, other than a convocation, the Chancellor may declare his office to be vacant.

(*3*) Any person, who holds any office in the University by virtue of his being a Fellow, shall cease to hold such office on his ceasing to be a Fellow.

Term of office of Ordinary Fellows.

20. (*1*) The Ordinary Fellows shall, save as herein otherwise provided, hold office for five years.

(*2*) An Ordinary Fellow who has vacated his office may, subject to the provisions of this Act, be elected or nominated to be an Ordinary Fellow.

Appointment of Fellow may be cancelled.

21. (*1*) The Chancellor may, on the recommendation of the Senate supported by a majority of not less than two-thirds of the number of Fellows present at the meeting and such majority comprising not less than one-half of the total number of Fellows, cancel the appointment of an Ordinary Fellow of the University, if, in his opinion, he has been convicted by a court of law of any offence which is serious and involves moral turpitude or if he has been guilty of disgraceful conduct:

Provided that the Senate shall give to the Fellow concerned an opportunity to be heard in his defence before making such recommendation.

(*2*) As soon as such order is notified in the *Official Gazette*, such person shall cease to be a Fellow; and he shall not be eligible for re-appointment or re-election until the disqualification has been removed by the Chancellor by a notification in the *Official Gazette*.

Powers and duties of Senate.

22. (*1*) Subject to such conditions as may be provided by or under the provisions of this Act, the Senate shall exercise the following powers and perform the following duties, namely:—

(*i*) to make provision for instruction, teaching and training in such branches of learning and courses of study, as it may think fit, for research and for the advancement and dissemination of knowledge;

(*ii*) to make such provision as will enable affiliated colleges and recognized institutions to undertake specialization of studies and to organize and make provision for University laboratories, libraries, museums and other equipment for teaching and research;

(*iii*) to establish and maintain colleges, departments, hostels and institutions of research and specialized studies;

(*iv*) to institute and maintain professorships, readerships, lecturerships and any other posts of teachers required by the University;

(*v*) to institute and maintain fellowships, travelling fellowships, scholarships, studentships, exhibitions and medals;

(*vi*) to institute and confer degrees, diplomas and other academic distinctions;

(*vii*) to confer, on the recommendation of the Syndicate, honorary degrees or other academic distinctions;

(*viii*) to make, amend or repeal Statutes;

(*ix*) to consider the annual accounts and the annual financial estimates placed before it by the Syndicate and pass them with such modifications as the Senate may deem fit;

(*x*) to consider and cancel or refer back, but not amend, Ordinances and Regulations;

(*xi*) to consider the annual reports and to pass resolutions on and adopt such reports;

(*xii*) to elect office-bearers and authorities as provided in this Act and the Statutes;

(*xiii*) to make grants from the Funds of the University for the purposes of the National Cadet Corps;

(*xiv*) to make provision for the physical and military training of students;

(*xv*) to lay down scales of salaries and conditions of employment of members of the staff in constituent colleges and constituent recognized institutions, and to ensure the observance of the same through the Syndicate;

(*xvi*) to exercise such powers and perform such duties as may be conferred or imposed upon it by or under this Act;

(*xvii*) to exercise such other powers and perform such other duties as may be necessary to give effect to the provisions of this Act;

(*xviii*) to provide for training for competitive examinations for services under the Union or the State Governments.

(*2*) The powers and duties under clauses (*i*) to (*vi*) of sub-section (*1*) shall not be exercised except upon recommendations made by the Syndicate.

Meetings of the Senate.

23. (*1*) The Senate shall on a date to be fixed by the Vice-Chancellor meet once a year at a meeting to be called the annual meeting of the Senate.

(*2*) The Vice-Chancellor may whenever he thinks fit and shall upon a requisition in writing signed by not less than twenty-five members of the Senate convene a special meeting of the Senate.

(*B*) *The Syndicate.*

The Syndicate.

24. (*1*) The Syndicate shall be the executive authority of the University and shall consist of the following, namely:—

(*a*) The Vice-Chancellor,

(*b*) The Rector, if any,

(*c*) The Director of Education,

(*d*) One Dean elected by Deans of Faculties from among themselves,

(*e*) Four persons elected by the Academic Council from among its members to represent the different Faculties as prescribed by the Statutes, of whom two shall be persons who are not Deans, Principals or Heads of University Departments,

(*f*) Eight persons elected by the Senate from among the Fellows who are not principals or teachers,

(*g*) One member elected by the Heads of University Departments from among themselves,

(*h*) Two Principals elected by the Principals in such manner as may be specified by Statutes :

Provided that a member elected under any of the clauses (*d*) to (*h*) shall cease to hold office as such member if he ceases to occupy the office or to come under the designation which entitled him to be so elected.

(*2*) The term of office of the elected members of the Syndicate shall be three years.

Powers and duties of Syndicate.

25. (*1*) Subject to such conditions as may be prescribed by or under the provisions of this Act, the Syndicate shall have the following powers and perform the following duties, namely—

(*i*) to hold, control and administer the property and Funds of the University ;

(*ii*) to enter into, vary, carry out and cancel contracts on behalf of the University in the exercise or performance of, the powers and duties assigned to it by this Act and the Statutes ;

(*iii*) to determine the form of, provide for the custody and regulate the use of, the common seal of the University ;

(*iv*) to administer funds placed at the disposal of the University for specific purposes ;

(*v*) to prepare the annual accounts and to frame the annual financial estimates of the University and to submit them to the Senate ;

(*vi*) subject to clause (*ix*) of sub-section (*1*) of section 22, at any time during an official year,—

(*a*) to reduce the amount of the budget grant.

(*b*) to sanction the transfer of any amount within a budget grant from one minor head to another or from a subordinate head under one minor head to a subordinate head under another minor head, or

(*c*) to sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another ;

(*vii*) to make provision for buildings, premises, furniture, apparatus, books and other means needed for carrying on the work of the University ;

(*viii*) to accept on behalf of the University trusts, bequests, donations and transfers of any movable or immovable property to the University ;

(*ix*) to transfer any movable or immovable property on behalf of the University ;

(*x*) to manage and regulate the finances, accounts and investments of the University ;

(*xi*) to institute—

(*a*) a Printing and Publication Department ;

(*b*) an Information Bureau ; and

(*c*) an Employment Bureau ;

(*xii*) to make provision for—

(*a*) (*i*) extra-mural teaching and research and
(*ii*) University Extension activities;

(*b*) Physical and military training;

(*c*) Students' Union;

(*d*) Sports and athletic clubs; and

(*e*) Students welfare;

(*xiii*) to manage colleges, departments, institutions of research or specialized studies, laboratories, libraries, museums and hostels maintained by the University;

(*xiv*) to recognize hostels and to provide housing accommodation for teachers of the University;

(*xv*) to arrange for and direct the inspection of affiliated colleges, recognized institutions and hostels, and to issue instructions for maintaining their efficiency and for ensuring proper conditions of employment for members of their staff, and payment of adequate salaries, and, in case of disregard of such instructions, to recommend to the Senate modifications of the conditions of affiliation or recognition, or taking of such other steps as it deems proper in that behalf;

(*xvi*) to call for reports, returns and other information from affiliated colleges, recognized institutions or hostels;

(*xvii*) to supervise and control the admission, conduct and discipline of the students of the University and to make arrangements for promoting their health and general welfare;

(*xviii*) to recommend to the Senate the conferment of honorary degrees, and academic distinctions in the manner prescribed by Statutes;

(*xix*) to award fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes;

(*xx*) save as otherwise provided by this Act, or the Statutes, to appoint on the recommendation of a committee of selection, if any, as required by this Act or Statutes, the officers (other than the Chancellor, Vice-Chancellor and the Rector), teachers and servants of the University, to define their duties and the conditions of their service, and to provide for the filling of temporary vacancies in their posts;

(*xxi*) to recognize a member of the staff of an affiliated college or recognized institution as a teacher of the University and withdraw such recognition;

(*xxii*) to appoint examiners, to fix their remuneration and to arrange for the conduct of, and for publishing the results of the University examinations and other tests;

(*xxiii*) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;

(*xxiv*) to make, amend and cancel Ordinances;

(*xxv*) to accept, reject or return to the Academic Council for consideration but not amend, Regulations framed by the Academic Council;

(*xxvi*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act;

(*xxvii*) to delegate any of its powers to the Vice-Chancellor, the Rector, the Registrar or such other officer of the University or a Committee appointed by it as it may deem fit.

(*2*) The Syndicate shall make a report to the Senate about all acceptances or transfers of property referred to in clause (*viii*) of sub-section (*1*).

(*3*) The Syndicate shall not transfer any immovable property without the previous sanction of the Senate.

(C) The Academic Council.

The Academic Council.

26. (*1*) The Academic Council shall be the academic body of the University and shall consist of the following persons, all of whom need not be Fellows :—

(1) The Vice-Chancellor or in his absence the Rector, if any, *Ex-Officio* Chairman ;

(2) The Rector, if any ;

(3) Deans of Faculties ;.

(4) Heads of University Departments ;

(5) The Chairman of each Board of Studies ;

(6) Principals of degree colleges and Heads of constituent recognized institutions.

(*2*) As soon as the Academic Council is constituted under sub-section (*1*), it shall co-opt as its additional members from among the University Professors one such Professor for each of the subjects other than those represented under items (3), (4), (5) and (6) of sub-section (*1*).

(*3*) The Academic Council shall have power to nominate as members two persons having special knowledge or experience in the subject-matter of any particular business which may come before the Council for consideration. The members so nominated shall have all the rights of the members of the Council in regard to the transaction of the business in relation to which they may be nominated.

Powers and duties of Academic Council.

27. (*1*) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standard of teaching, research and examinations within the University.

(*2*) Without prejudice to the generality of the foregoing provision, and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely :—

(*i*) to make Regulations in consultation with the Boards of Studies concerned laying down courses of study ;

(*ii*) to make proposals for allocating subjects to the Faculties and to assign Fellows and its own members to the Faculties ;

(*iii*) to make proposals for the establishment of departments, institutions of research and specialized studies, libraries, laboratories and museums ;

(*iv*) to make proposals for the institution of professorships, readerships lecturerships and any other posts of teachers required by the University, and for prescribing the duties and fixing the emoluments of such posts ;

(*v*) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and to make Regulations for their award :

(*vi*) to make Regulations regarding the examinations of the University and the conditions on which the students shall be admitted to such examinations ;

(*vii*) to determine and maintain the standards of examinations ;

(*viii*) to make Regulations prescribing equivalence of examinations ;

(*ix*) to make Regulations prescribing the manner of granting exemptions from approved courses of studies in the University or in affiliated colleges or recognized institutions for qualifying for degrees, diplomas and other academic distinctions ;

(*x*) generally to advise the University on all academic matters ; and

(*xi*) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act.

(*3*) The Academic Council shall have the power to appoint a standing committee composed of not more than one-fifth of the total number of members of the Academic Council. The constitution, powers and functions of the said standing committee shall be determined by the Statutes.

(*D*) *The Faculties.*

28. (*1*) The University shall institute the Faculties of Arts, Science, Technology, Law, Medicine, Commerce, and such other Faculties as may be constituted by the Senate by Statutes from time to time. Each Faculty shall comprise such subjects as may be prescribed by the Statutes. The Faculties.

(*2*) Each Faculty shall consist of—

(*a*) members of the Boards of Studies, for the subjects comprised in the Faculty ;

(*b*) Fellows and members of the Academic Council who are not already members of the Faculty or of the Boards of Studies and are assigned to that Faculty by the Academic Council.

(*3*) The powers and duties of the Faculties and the conditions governing the terms of offices of their members shall be as prescribed by the Statutes.

29. (*1*) There shall be a Dean of each Faculty who shall be elected by the Faculty from amongst its members. The term and conditions of the office of a Dean shall be as prescribed by the Ordinances. Deans of Faculties.

(*2*) The Dean of each Faculty shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to that Faculty.

(*E*) *Boards of Studies.*

30. (*1*) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes. Boards of Studies.

(*2*) Each Board shall consist of—

(*i*) the Heads of the University Departments concerned,

(*ii*) the University Professors in the said subjects,

(*iii*) the Heads of Departments in the said subjects in degree colleges and constituent recognised institutions,

(*iv*) two members to be co-opted by the Board from among teachers, who are not Heads of Departments,

(*v*) such number of members as may be prescribed by the Statutes to be co-opted by the Board from among persons, who are not teachers.

(*3*) The minimum membership of a Board of Studies shall be seven.

(*4*) The term of office of co-opted members, if any, shall be three years.

(*5*) The Chairman shall be elected by the members of the Board of Studies from among themselves.

(6) The powers and duties of the Boards of Studies shall be as prescribed by the Statutes.

(F) Boards of University Teaching.

Boards of University Teaching.

31. (1) There shall be one or more Boards of University Teaching, as may be determined by Statutes.

(2) Each Board shall consist of—

(a) the Vice-Chancellor or in his absence the Rector, if any—*Ex-officio* Chairman ;

(b) the Rector, if any ;

(c) Deans of the Faculties in the subjects for which the Board is constituted ;

(d) Heads of the University Departments in the subjects ;

(e) Principals of degree Colleges and Heads of constituent recognized institutions, provided such Principals or Heads are also Heads of Departments in the said subjects ;

(f) two persons elected by the Senate from among the Fellows ;

(g) two persons elected by the Academic Council who shall be University Professors but who are not Heads of University Departments or Principals of degree Colleges or Heads of constituent recognized institutions referred to in clauses (d) and (e) above.

Powers and duties of Boards of University Teaching.

32. (1) Subject to the provisions of sections 56 and 57, the Board shall have the powers of controlling, regulating and co-ordinating instruction, teaching and training in the post-intermediate classes and post-graduate instruction, teaching, training and research.

(2) In particular and without prejudice to the generality of the foregoing provision, the Board shall have the following powers :—

(i) to make recommendations to the Syndicate regarding the conduct of all post-graduate instruction, teaching, training and research ;

(ii) to co-ordinate and to control and regulate the post-intermediate and post-graduate instruction, teaching and training in affiliated (including constituent) colleges and recognized institutions and to make recommendations to the Syndicate for conducting such instruction, teaching and training in University colleges and institutions ;

(iii) to recommend to the Syndicate the detailed requirements regarding teachers in respective subjects for teaching on behalf of the University ;

(iv) to determine the programme indicating the nature and extent of the work that the respective teachers recognized for teaching on behalf of the University shall be called upon to perform ;

(v) to co-ordinate and regulate the facilities provided, and to make recommendations to the Syndicate regarding the expenditure to be incurred, by degree colleges and constituent recognized institutions, in connection with lectures, seminars, tutorials, libraries, laboratories and other equipment for teaching and research ;

(vi) to recommend to the Syndicate the amount of grant, if any, which shall be made to each of the degree colleges and constituent recognized institutions by the University each year ; and

(vii) to exercise such other powers and perform such other duties as may be prescribed by or under the provisions of this Act.

(G) Other University bodies.

Other University bodies.

33. (*1*) The Senate may establish a Board of Extra-Mural Studies, a Board for Students' Welfare and such other Boards or Bodies as may be prescribed by the Statutes.

(*2*) The constitution, powers and duties of the Boards and Bodies established under sub-section (*1*) shall be as prescribed by the Ordinances.

Committee of Selection for appointment of teachers of University.

34. (*1*) No person shall be appointed as a University professor, reader or lecturer except on the recommendation of a Committee of Selection constituted for the purpose.

(*2*) The members of the Committee shall be—

(*a*) the Vice-Chancellor—*ex-officio* Chairman;

(*b*) the Rector, if any;

(*c*) five persons having special knowledge of the subject, to be appointed as follows:—

(*i*) one, who shall be a member of the Faculty in the subject concerned, by the Academic Council,

(*ii*) four, who shall not be Fellows, members of Faculties, Teachers of the University or Teachers—two by the Academic Council and two by the Syndicate.

(*3*) The Committee shall investigate the merits of the various candidates and such other persons, if any, as the Committee may recommend as duly qualified for the vacant post but who have not applied for it and shall report to the Syndicate the names, arranged in order of merit, of persons, if any, whom it considers to be suitable for the vacant post.

(*4*) The Syndicate shall make the final selection out of the persons, if any, so recommended:

Provided that where the Syndicate makes the appointment otherwise than in accordance with the order of merit arranged by the Committee, the Syndicate shall record its reasons for doing so;

Provided further that if the Committee reports to the Syndicate the name of one person only and if the person so reported is not acceptable to the Syndicate, the Syndicate shall record its reasons for not accepting the name and communicate them to the Committee and may advertise the vacancy again and direct the Committee to report to the Syndicate in the manner provided in sub-section (*3*).

Committee for recognition of teachers of University.

35. (*1*) No person shall be recognized as a teacher of the University except on the recommendation of a Committee constituted for the purpose.

(*2*) the members of the Committee shall be—

(*i*) the Vice-Chancellor—*ex-officio* Chairman,

(*ii*) the Rector, if any,

(*iii*) the Head of the University Department in the subject, if any,

(*iv*) four persons having special knowledge of the subject for which the teacher is to be recognized, to be selected in the following manner, namely:—

(*a*) two by the Syndicate who shall not be the Fellows, members of the Faculty or teachers,

(*b*) two by the Academic Council, from amongst its members.

Appointment of examiners.

36. (*1*) A Committee for each Faculty shall be formed every year for the purpose of drawing up lists for appointments to University examinerships.

(*2*) The members of the Committee shall be—

(*i*) the Vice-Chancellor—*ex-officio* Chairman,

(*ii*) the Rector, if any,

(*iii*) the Dean of the Faculty,

(*iv*) two members appointed by the Syndicate,

(*v*) two members appointed by the Academic Council,

(*vi*) the Chairman of the Board of Studies in the particular subject.

(*3*) The Committee shall draw up the lists from among persons included in panels to be prepared by the Boards of Studies. The lists so drawn up shall be submitted for approval to the Academic Council and the Syndicate. The Syndicate shall make the appointments of examiners on the advice of the Academic Council :

Provided that no change in the lists shall be suggested or made by the Academic Council or the Syndicate except by passing a special resolution stating the specific grounds on which each change suggested or made is based.

(*4*) If any examiner is unable to act for any cause and a fresh appointment cannot be made in time by the Syndicate, the Vice-Chancellor shall appoint another examiner to fill the vacancy and shall report such appointment to the Syndicate.

(*5*) No member of the Syndicate or of the Committee shall be appointed as an examiner except by a special resolution of the Syndicate passed by two-thirds majority of the members present.

Committees.

37. All the authorities of the University shall have power to appoint committees. Such committees may include persons who are not members of the authority appointing the committee : Provided that the Faculties, Boards of Studies and other Boards or Bodies shall not appoint persons who are not members of the authority appointing the committee to such Committees except with the previous sanction of the Vice-Chancellor.

CHAPTER V.

Enrolment and Degrees.

Enrolment of students.

38. No student shall be enrolled as a student of the University unless he has passed—

(*i*) the Matriculation Examination held by the University ; or

(*ii*) the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board in such subjects and with such standards of attainment as may be prescribed by the Statutes ; or

(*iii*) the Entrance Examination, if any, which may be instituted by the University with the consent of the State Government, and held in such subjects and in such manner as may be prescribed by the Statutes ; or

(*iv*) any other examination prescribed as equivalent to the examinations referred to in clauses (*i*), (*ii*) and (*iii*) and possesses such other qualification, if any, as may be prescribed by the Statutes.

Certificate required of candidate for examination.

39. Save on the recommendation of the Syndicate by special order of the Senate, and subject to any Statutes and Ordinances made in this behalf, no person shall be admitted as a candidate at any University examination other than an examination for entrance, unless he produces a certificate from an affiliated college or a recognized institution, as the case may be, to the effect that he has completed the course of instruction prescribed :

Provided that the Senate may make Statutes exempting students or a class of students from producing such a certificate.

Degrees, diplomas and other academic distinctions.

40. The Senate may institute and confer such degrees and grant such diplomas and other academic distinctions in respect of degrees and examinations as may be prescribed by the Statutes.

Honorary degrees.

41. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

42. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree or other academic distinctions if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of disgraceful conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VI.

FINANCE.

University Fund.

43. (*1*) The University shall establish a fund to be called the University Fund.

(*2*) The following shall form part of, or be paid into, the University Fund :—

(*a*) any contribution or grant by Government,

(*b*) the income of the University from all sources including income from fees and charges,

(*c*) trusts, bequests, donations, endowments and other grants, if any.

(*3*) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, [1][or in a co-operative bank approved by the State Government for the purpose or invested] in securities authorised by the Indian Trusts Act, 1882, at the discretion of the Syndicate.

II of 1934.
II of 1882.

(*4*) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declarations of trust executed by or on behalf of the University for the administration of any trust.

Annual accounts and financial estimates.

44. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the State Government for audit.

(*2*) The accounts when audited shall be published by the Syndicate and a copy thereof shall, together with a copy of the audit report, be submitted to the Senate.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*4*) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and may be passed with such modifications as the Senate may deem fit.

Annual report.

45. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate shall adopt the report with modifications, if any, which it may direct the Syndicate to make therein in accordance with the resolutions passed by the Senate in that behalf.

[1] These words were substituted for the words "or invested" by Bom. 30 of 1954, s. 33.

CHAPTER VII.

STATUTES, ORDINANCES AND REGULATIONS.

Statutes.

46. Subject to the provisions of this Act, the Senate may, from time to time, make Statutes for all or any of the following matters, namely :—

(*a*) the declaration of any person to be a "teacher" under clause (*20*) of section 2;

(*b*) the declaration of other bodies to be the authorities of the University as provided in clause (*7*) of section 15;

(*c*) the manner of election of Fellows and the members of the Syndicate and the Boards of University Teaching, and the terms and conditions of their office, registration of graduates and maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate, the Academic Council, the Boards of Studies and the Boards of University Teaching;

(*d*) the powers of the Vice-Chancellor;

(*e*) the powers and duties of the Rector, if any, and the conditions of his service and of the Registrar and the officers and servants of the University;

(*f*) the constitution, reconstitution or abolition of Faculties and the powers and duties of Faculties;

(*g*) the procedure at a meeting of the Senate, the Syndicate, the Academic Council, the Boards of Studies, and the Boards of University Teaching and the quorum of members to be required for the transaction of business;

(*h*) the powers, duties and functions of Boards of Studies and the allocations of Boards among the Faculties;

(*i*) the constitution, powers and duties of the authorities of the University save as provided in this Act;

(*j*) the institution and conferment of degrees and the granting of diplomas, and other academic distinctions in respect of degrees and examinations;

(*k*) recognition as registered graduates of persons who are graduates of any other University;

(*l*) the institution of pension or provident fund or both for the benefit of the officers, teachers and other servants of the University;

(*m*) qualifications of professors, readers, lecturers and other teachers in affiliated colleges and regognised institutions;

(*n*) all matters which, by this Act, are to be or may be prescribed by the Statutes;

(*o*) any other matter which is necessary to give effect to the provisions of this Act.

Statutes—their framing amendment, repeal and operation.

47. (*1*) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate. In the case of a draft which is not prepared by the Syndicate, the Senate, before considering the same, shall obtain the opinion of the Syndicate:

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.

(3) The Senate, if it thinks necessary, may also obtain the opinion of any other authority of the University in regard to any draft Statute which is before it for consideration.

(4) Every Statute passed by the Senate shall be submitted to the Chancellor who may give or withhold his assent thereto or refer it back to the Senate for consideration.

(5) No Statute passed by the Senate shall be valid or shall come into force until assented to by the Chancellor.

Ordinances,—their making and scope.

48. (1) Subject to the provisions of this Act and the Statutes, the Syndicate may frame Ordinances to provide for all or any of the following matters, namely :—

(a) the admission of students to the University ;

(b) the courses of study to be laid down for all degrees, diplomas and certificates of the University ;

(c) the conditions under which students shall be admitted to the courses of studies for degrees, diplomas, and other academic distinctions and to the examinations of the University and be eligible for degrees, diplomas and other academic distinctions and the form of the certificate to be produced by a candidate for examination under section 39 and the conditions on which any such certificate may be granted ;

(d) the recognition and inspection of hostels ;

(e) the conduct and discipline of students ;

(f) the number, qualifications and conditions of appointment of teachers of the University ;

(g) the fees to be charged, for courses of instruction in or on behalf of the University given by teachers of the University, for tutorial and supplementary instruction given by or on behalf of the University, upon admission into the University and for continuance therein, for admission to the examination, degrees and diplomas of the University, for the registration of graduates and for other purposes of a like nature ;

(h) the conditions of appointment and the duties of examiners ;

(i) the conduct of examinations ;

(j) the conduct of business of each Faculty and the election of the Dean of each Faculty ;

(k) the duties and powers of the Boards and Committees to be appointed by the University jointly with any other University or body ;

(l) the powers and duties of the Registrar and other officers and servants of the University ;

(m) the discipline to be enforced in regard to the graduates and undergraduates in so far as they come within the jurisdiction of the University for purposes of study and examination ;

(n) the extension of University teaching in any suitable centre within the University area by means of University extension lectures or otherwise ;

(o) the rules to be observed and enforced by affiliated colleges and recognized institutions in respect of transfer of students ;

(p) the fees (if any) to be paid for entry or retention of a name on any register ;

(*q*) the inspection of affiliated colleges and recognized institutions and the reports, returns and other information to be furnished by such colleges and recognized institutions;

(*r*) the registers of students to be kept by affiliated colleges and recognized institutions;

(*s*) the duties of teachers of the University;

(*t*) the mode of execution of contracts or agreements by or on behalf of the University; and

(*u*) generally, all matters which by this Act or by the Statutes may be provided for by the Ordinances and all matters for which provision is, in the opinion of the Syndicate, necessary for the exercise of the powers conferred, or the performance of the duties imposed, on the Syndicate by this Act or the Statutes:

Provided that the Syndicate shall not arrive at any decision in regard to matters referred to in clauses (*b*), (*c*), (*f*), (*h*), (*i*), (*n*) and (*o*) without inviting and receiving a report thereon from the Academic Council.

(*2*) All Ordinances made by the Syndicate shall, except as otherwise provided by this Act, have effect from such date as it may direct; but every Ordinance so made shall be laid on the table of the Senate as soon as may be, and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting, to cancel or refer for reconsideration but not to amend any such Ordinance.

(*3*) The Vice-Chancellor shall, on the application of not less than forty members of the Senate, suspend the operation of any such Ordinance until the Senate has considered it as provided in sub-section (*2*).

Regulations—their making and scope.

49. (*1*) The Academic Council may make Regulations consistent with this Act and the Statutes and Ordinances to carry out the duties assigned to it thereunder and shall submit them to the Syndicate for approval.

(*2*) All Regulations, when approved, shall, except as otherwise provided by this Act, have effect from such date as the Academic Council may direct, but every Regulation so made shall be placed on the table of the Senate as soon as may be and shall be considered by the Senate at its next meeting. The Senate shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel or refer for reconsideration but not to amend any such Regulation.

(*3*) If the Syndicate does not approve of a Regulation, the Regulation shall, on a requisition by at least five members of the Syndicate, be referred to the Senate who shall thereupon have all the powers of the Syndicate in this connection. If the Regulation is accepted by the Senate, the provisions of sub section (*2*) shall so far as may be apply to it.

(*4*) The Vice-Chancellor shall, on the application of not less than forty members of the Senate, suspend the operation of any such Regulation until the Senate has considered it as provided in sub-section (*2*) or sub-section (*3*).

CHAPTER VIII.

AFFILIATION AND RECOGNITION.

Affiliation.

50. (*1*) A college applying for affiliation to the University shall send an application in writing to the Registrar and shall satisfy the Syndicate and the Academic Council—

(*a*) that the college is to be under the management of a regularly constituted governing body;

(*b*) that the strength and qualifications of the teaching staff and the conditions governing their tenure of office are such as to make due provision for the courses of instruction, teaching or training to be undertaken by the college;

(*c*) that the buildings in which the college is to be located are suitable, and that provision will be made, in conformity with the Ordinances, for the residence, in the college hostel or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of students;

(*d*) that due provision has been made or will be made for a library;

(*e*) where affiliation is sought in any branch of experimental science, that arrangements have been or will be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory or museum;

(*f*) that due provision will, as far as circumstances may permit, be made for the residence of the Principal and some members of the teaching staff in or near the college or the place provided for the residence of students;

(*g*) that the financial resources of the college are such as to make due provision for its continued maintenance and efficient working; and

(*h*) that the college rules fixing the fees (if any) to be paid by the students have not been so framed as to involve such competition with any existing college in the same neighbourhood as would be injurious to the interests of education.

The application shall further contain an assurance that after the college is affiliated, any transference of management and all changes in the teaching staff and all other changes which may result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Syndicate.

(*2*) On receipt of a letter of application under sub-section (*1*) the Syndicate shall—

(*a*) direct a local inquiry to be made by a competent person or persons authorized by the Syndicate in this behalf in respect of the matters referred to in sub-section (*1*) and such other matters as may be deemed necessary and relevant:

(*b*) make such further inquiry as may appear to it to be necessary ; and

(*c*) after consulting the Academic Council report to the Senate its opinion on the question whether the application should be granted or refused, either in whole or in part, embodying in such report the results of any inquiry under clauses (*a*) and (*b*).

(*3*) On receipt of the report under clause (*c*) of sub-section (*2*), the Senate shall, after such further inquiry as may appear to it to be necessary, record its opinion.

(*4*) The Registrar shall submit the application and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(*5*) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of instruction in respect of which the college is affiliated, and, where the application or any part thereof is refused, the grounds of such refusal shall be stated.

(*6*) As soon as possible after the State Government makes its order, the Registrar shall submit to the Senate a full report regarding the application, the action taken thereon under sub-sections (*2*) to (*5*) and of all proceedings connected therewith.

(*7*) An application under sub-section (*1*) may be withdrawn at any time before an order is made under sub-section (*4*).

Extension of affiliation.

51. Where a college desires to add to the courses of instruction in respect of which it is affiliated the procedure prescribed by section 50 shall, so far as may be, be followed.

Recognition of institutions of research and specialized studies.

52. (*1*) The Syndicate shall have the power, after obtaining the opinion of the Academic Council, to recognize as a recognized institution any institution of research or specialized studies other than a college.

(*2*) An institution applying for recognition under this section shall send an application in writing to the Registrar and shall give full information in the application in respect of the following matters, namely :—

(*a*) constitution and personnel of the managing body ;

(*b*) subjects and courses in regard to which recognition is sought ;

(*c*) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;

(*d*) the strength of the staff, their qualifications and salaries and the research work done by them ;

(*e*) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(*3*) Before taking the application into consideration, the Syndicate may call for any further information which it may deem necessary.

(*4*) If the Syndicate decides to take the application into consideration, it may direct a local inquiry to be made by a competent person or persons authorized by it in this behalf. After considering the report made as a result of such local inquiry and making such further inquiry as may appear to it to be necessary, the Syndicate shall, after obtaining the opinion of the

Academic Council, grant or refuse the application or any part thereof. Where the application or any part th. reof is granted, the Syndicate shall specify the subjects and the courses of instruction in respect of which the institution is recognized and make a report to that effect for information to the Academic Council and the Senate at their next succeeding meeting. Where the application or any part thereof is refused, the grounds ot such refusal shall be stated.

Inspection of colleges and institutions and repo

53. (*1*) Every affiliated college and every recognized institution shall furnish such reports, returns and other information as the Syndicate, after obtaining the opinion of the Academic Council, may require to enable it to judge the efficiency of the college or institution.

(*2*) The Syndicate shall cause such college or institution to be inspected from time to time by one or more competent persons authorized by the Syndicate in this behalf.

(*3*) The Syndicate may call upon any such college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters referred to in sub-section (*1*) of section 50 or sub-section (*2*) of section 52, as the case may be.

Withdrawal of affiliation.

54. (*1*) The rights conferred on a college by affiliation may be withdrawn in whole or in part or modified, if the college has failed to carry out any of the provisions of sub-section (*1*) of section 50 or the college has failed to observe any of the conditions of its affiliation or the college is conducted in a manner which is prejudicial to the interests of education.

(*2*) A motion for the withdrawal or modification of such rigt ts shall be moved in the Syndicate. A member of the Syndicate who intends to move that the rights conferred on any college by affiliation be withdrawn in whole or in part or modified, shall give notice of his motion and shall state in writing the grounds on which the motion is made.

(*3*) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (*2*) to the Principal of the college concerned, together with an intimation that any representation in writing submitted within a period specified in such intimation on behalf of the college will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(*4*) On receipt of the representation or on expiration of the period referred to in sub-section (*3*), the Syndicate, after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorzied by the Syndicate in this behalf, and such further inquiry as may appear to it to be necessary, and after obtaining the opinion of the Academic Council, shall make a report to the Senate.

(*5*) On receipt of the report under sub-section (*4*), the Senate shall, after such further inquiry (if any) as may appear to it to be necessary, shall record its opinion on the matter :

Provided that no resolution of the Senate recommending the withdrawal of the affiliation shall be deemed o have been passed by it unless the resolution has obtained the support of not less than one-half of the members of the Senate.

(6) The Registrar shall submit the proposal and all proceedings, if any, of the Academic Council, the Syndicate and the Senate relating thereto, to the State Government, which, after such further inquiry as may appear to it to be necessary, shall make such order as it thinks fit.

(7) Where by an order made under sub-section (6), the rights conferred by affiliation are withdrawn in whole or in part or modified, the ground for such withdrawal or modification shall be stated in the order.

Withdrawal or suspension of recognition of institution.

55. (1) The rights conferred on an institution by recognition may be withdrawn or suspended for any period if the institution has failed to observe any of the conditions of its recognition or the institution is conducted in a manner which is prejudicial to the interest of education.

(2) A motion for such withdrawal or suspension shall be initiated only in the Syndicate. The member of the Syndicate who intends to move such a motion shall give notice of it and shall state in writing the grounds on which it is made.

(3) Before taking the said motion into consideration, the Syndicate shall send a copy of the notice and written statement mentioned in sub-section (2) to the head of the institution concerned, together with an intimation that any representation in writing submitted within a period specified in the intimation on behalf of the institution will be considered by the Syndicate :

Provided that the period so specified may, if necessary, be extended by the Syndicate.

(4) On receipt of the representation or on the expiry of the period referred to in sub-section (3), the Syndicate after considering the notice of motion, statement and representation and after such inspection by any competent person or persons authorized by the Syndicate in this behalf, and after such further inquiry as may appear to it to be necessary and after consulting the Academic Council, shall decide whether the recognition should be withdrawn or suspended, as the case may be :

Provided that the recognition shall not be withdrawn or suspended unless a resolution of the Syndicate to that effect is supported by not less than one-half of the members of the Syndicate.

CHAPTER IX.

Organisation of Post-Graduate and Post-Intermediate Teaching.

Constituent colleges and institutions.

56. (1) All colleges within the University Area which are admitted to the privileges of the University and all colleges within the said area which may hereafter be affiliated to the University shall be the constituent colleges of the University.

(2) All institutions within the University Area recognized under section 52 shall be the constituent recognized institutions of the University.

(3) The relations of the constituent colleges and constituent recognized institutions with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the degree colleges and constituent recognized institutions :—

(*i*) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such colleges and institutions and the conditions of their service ;

(*ii*) to approve the appointment of the teachers made by such colleges and institutions;

(*iii*) to require each such college and institution to contribute a prescribed quota of recognized teachers in any subject for teaching on behalf of the University;

(*iv*) to co-ordinate and regulate the facilities provided by such colleges and institutions in regard to libraries, laboratories and other equipments for teaching and research;

(*v*) to levy contributions for providing certain facilities from such colleges and institutions and make grants to them; and

(*vi*) to require satisfactory arrangements for tutorial and similar other work in such colleges and institutions and to inspect such arrangements from time to time.

Teaching within the University area.

57. (*1*) Within the University Area, all post-graduate instruction, teaching and research shall be controlled, regulated, and co-ordinated by the University and shall be conducted by the University or by constituent colleges or recognized institutions and shall be imparted by the teachers of the University.

(*2*) The University shall control and regulate instruction, teaching and training in colleges beyond the stage of the intermediate examinations and shall progressively take substantial steps for co-ordinating such instruction, teaching and training by making available in common facilities provided by colleges in connection with lectures, seminars tutorials, libraries, laboratories and other equipments for teaching and research.

CHAPTER X.

General.

Election to be by the system of proportional representation.

58. Every election to any authority of the University made under this Act shall be made by the system of proportional representation by means of the single transferable vote by ballot in such manner as may be prescribed by Statutes:

Provided that no vote shall be recorded by post or by proxy.

Casual vacancies.

59. When any vacancy occurs in the office of a Fellow or member of any authority of the University before the expiry of the term of office of such Fellow or member, the vacancy shall be filled up as soon as conveniently may be by the election, nomination or appointment, as the case may be, of a Fellow or member who shall hold office so long only as the Fellow or member in whose place he has been elected, nominated or appointed would have held it, if the vacancy had not occurred:

Provided that, notwithstanding anything contained in section 16, if the vacancy be of a Fellow and occurs within six months preceding the date on which the term of office of the Fellow expires, the vacancy shall not be filled, if the Fellow be an elected Fellow.

Proceeding not invalidated by vacancy.

60. No act or proceeding of any authority or other body of the University shall be invalid by reason only of any vacancy in the body doing or passing it or by reason of any want of qualification by or invalidity in the election or appointment of any *defacto* member of the body whether present or absent.

Pension or provident fund.

61. The University shall establish for the benefit of its officers, teachers and other servants such pension or provident fund or both as it may deem fit in such manner and subject to such conditions as may be prescribed by the Senate by Statutes.

Interpretation in case of doubt.

62. If any question arises regarding the interpretation of any provisions of this Act or of any Statute, Ordinance or Regulation, or as to whether, any person has been duly elected or appointed as, or is entitled to be a member of any authority or other body of the University the matter may be referred to the Chancellor, and shall be so referred if ten Fellows so require. The Chancellor shall, after taking such advice as he deems necessary, decide the question and his decision shall be final.

Removal of difficulties.

63. If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act or otherwise in first giving effect to the provisions of this Act, the State Government as occasion may require, may by order do anything which appears to it necessary for the purpose of removing the difficulty.

Repeal.

64. The Bombay University Act, 1928 (hereinafter called "the said Act") is hereby repealed. Bom. IV of 1928.

Saving.

65. Notwithstanding the repeal of the said Act—

(*i*) any person holding office immediately before the commencement of this Act as Vice-Chancellor shall on such commencement, be the Vice-Chancellor of the University and shall continue to hold the said office and to exercise all powers and to perform all duties conferred on the Vice-Chancellor by or under the provisions of this Act, until a new Vice-Chancellor is appointed under this Act;

(*ii*) (*a*) the Fellows of the Senate, the members of the Syndicate, the Academic Council, the Boards of Studies and all other bodies and committees of the University constituted under the said Act and immediately in office before the commencement of this Act shall be deemed to be respectively the Fellows of the Senate, the members of the Syndicate, the Academic Council, the Boards of Studies and the bodies and committees of the University constituted under the relevant provisions of this Act and shall, until the date on which the Chancellor declares that the Senate has been duly constituted under this Act, exercise all powers and perform all duties conferred on the authorities, bodies and committees under the said provisions, such date being not later than [1][fifteen months] from the date on which this Act comes into force;

(*b*) if any vacancy occurs otherwise than by efflux of time in the office of a Fellow or a member of any of the bodies or committees referred to in this clause, it shall not be necessary to fill in the same:

Provided that the Chancellor may, after consultation with the Vice-Chancellor, nominate any person to fill in any such vacancy:

Provided further that the omission to fill in any such vacancy shall not invalidate any act or decision of any such body or committee by reason only of the omission to fill in the said vacancy;

[1] These words were substituted for the words "one year" by Bom. 2 of 1954, s. (*3*) (*a*).

(*iii*) all colleges affiliated, institutions recognized and all high schools registered under the said Act and entitled to the privileges of the University under the said Act immediately before the commencement of this Act shall be deemed to be affiliated, recognized or registered, as the case may be, and admitted to the privileges of the University under this Act, save in so far as such privileges shall be withdrawn, restricted or modified by or under the provisions of this Act;

[1][(*iv*) all graduates registered before the commencement of this Act shall, unless they are disqualified under clause (*a*), (*b*) or (*c*) of sub-section (*2*) of section 17, be deemed to be registered under this Act:

Provided that if any such graduate is a registered graduate of any other university established by law in the State of Bombay before the commencement of this Act he shall cease to be a registered graduate unless he has made the election by intimating to the Registrar as required by the proviso to the said sub-section (*2*) of section 17;]

(*v*) all property, movable or immovable and all rights, interests of whatever kind, powers and privileges of the University constituted under the said Act shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is constituted;

(*vi*) all benefactions accepted or received by the University constituted under the said Act shall be deemed to have been accepted or received by the University under this Act and all the conditions on which such benefactions were accepted or received shall be deemed to be valid under this Act, notwithstanding that such conditions are inconsistent with the provisions of this Act;

(*vii*) all debts, liabilities and obligations incurred before the commencement of the said Act and lawfully subsisting against the University constituted under the said Act shall be discharged and satisfied by the University;

(*viii*) any will, deed or other document made before the commencement of this Act, which contains any bequest, gift, terms or trust in favour of the University constituted under the said Act shall, on the commencement of this Act, be construed as if the University constituted under this Act is named therein instead of the University constituted under the said Act;

(*ix*) all references in any enactment or other instruments issued under an enactment to the University constituted under the said Act shall be construed as references to the University;

(*x*) the appointments of the Registrar and all other officers and servants of the University constituted under the said Act and validly made under the said Act and subsisting immediately before the commencement of this Act shall be deemed to have been made under and for the

[1] This clause was substituted for the original by Bom. 2 of 1954, s. 3(*b*).

purposes of this Act and the Registrar and such officers and servants shall continue to hold office and to act, subject to the conditions governing the terms of their office or employment except in so far as such conditions may be altered by competent authority;

(*xi*) the appointments of all the examiners validly made under the said Act and subsisting immediately before the commencement of this Act shall be deemed to have been made under and for the purposes of this Act and such examiners shall continue to hold office and to act until fresh appointments are made under the provisions of this Act;

(*xii*) all Statutes, Ordinances and Regulations, all notices and orders made or issued under the said Act shall, so far as such Statutes, Ordinances and Regulations are not inconsistent with the provisions of this Act shall continue in force and be deemed to have been made under the provisions of this Act until they are superseded or modified by Statutes, Ordinances Regulations, notices and orders made by or under the provisions of this Act.

Transfer of certain benefactions from University to Secondary School Certificate Examination Board.

66. (*1*) Notwithstanding anything contained in this Act or any other law or any instrument, order or decree of a Court, the benefactions specified in the Schedule intended for awarding any scholarship, prize or medal or any other reward on the result of the Matriculation Examination of the University of Bombay are hereby transferred to the Secondary School Certificate Examination Board and shall hereafter vest in that Board. If any such benefaction forms part of a composite benefaction providing for awarding scholarships, prizes, or medals or any other rewards on the results of the Matriculation Examination and any other examination of the University of Bombay, the composite benefaction shall be divided for the purpose of transfer in such manner as may be prescribed by Statutes and the part so separated in respect of the Matriculation Examination shall be transferred to the Secondary School Certificate Examination Board.

(*2*) The Board shall, as far as possible, give effect to the conditions governing such benefactions:

Provided that where any such condition requires that the student to whom any scholarship, prize, medal or any other reward is to be awarded should prosecute his studies beyond the stage of the Matriculation Examination at any affiliated or recognized college or institution or at any college or institution affiliated to or recognized by the University of Bombay, it shall be competent to the Board to make the award if such student prosecutes his studies at any University established by law in the State of Bombay (including the University of Bombay), or any college or institution affiliated to or recognized by any such University.

SCHEDULE.

List of Benefactions.

(*See* section 66.)

Serial No.	Name of the benefaction.
1	The Ellis Prize.
2	The Bai Maneckbai Byramjee Jeejeebhoy Prize.
3	The Kutchi Divan Bahadur Manibhai Prize.
4	The Chatfield Prize.

Serial No.	Name of the benefaction.
5	The Professor Shripad Gajanan Acharya Prize.
6	The Jaffer Cassum Moosa Gold Medal.
7	The Ram Ganesh Gadkari Memorial Gold Medal.
8	Miss Padmasena Baboorao Joshi Prize.
9	The Narhar Rowjee Beedker Prize.
10	The Pudumsey Munji Gujarati Scholarship.
11	The Pudumsey Munji Scholarship for Mathematics.
12	The Harishchandra Baboorao Joshi Memorial Scholarship No. 2.
13	The Sagarmal Khaitan Memorial Scholarship.
14	The Jugonnath Sunkersett Sanskrit Scholarships.
15	The Jam Shri Vibhaji Scholarship.
16	The Cowasjee Jehangir Latin Scholarship.
17	The David Sassoon Hebrew Scholarship.
18	The Hebbart and LaTouche Scholarship.
19	The Rao Sir Pragmalji Scholarships.
20	The Sir Jasvantsingji Scholarships.
21	The Sir George LeGrand Jacob Scholarship.
22	The Jairazbhoy Peerbhoy Scholarship.
23	The Sir Frank Souter Scholarship for the Matriculation Examination.
24	The Bhau Saheb Desai Scholarships.
25	The James Greaves Scholarship.
26	The Divan Bahadur Lakshman Jagannath Vaidya Scholarship.
27	Divan Bahadur Manibhai Cutch Memorial (Technical) Scholarship.
28	The Vallabhdas Valji Scholarship.
29	The R. M. Sayani Khoja Testimonial Scholarship.
30	The Dosabhai Framji Cama Scholarship.
31	The Bai Aimai Kharshetji Rustamji Cama Scholarship.
32	The Lord Sandhurst Scholarship.
33	The Uttamram Memorial Scholarship.
34	The Chatfield Scholarship.
35	The Rao Bahadur Karamsi Damji Scholarship.
36	The Abdulla Meheralli Dharamsi Khoja Testimonial Scholarship.
37	The Miss Yamunabai Atmaram Dalvi Scholarship.
38	The Mrs. Gangubai R. V. Dhamnaskar Scholarship.
39	The Rajaram Govindram Scholarship.
40	The Sir Dinshaw Manockjee Petit (First Baronet) Scholarship.
41	The Mangaldas Harivallabhdas Commerce Scholarship.
42	The George Pope Scholarship.
43	The Sardar Bhimrao Ramrao Akbarnawis Sanskrit Scholarship.
44	The Dr. Dadabhai Naoroji Scholarship.
45	Bai Sitabai R. Naik Scholarship.
46	The Narhar Rowjee Beedker Scholarship.

THE PREVENTION OF CRUELTY TO ANIMALS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 6A of Act XI of 1890.
3. Amendment of section 6B of Act XI of 1890.

BOMBAY ACT No. XXXII OF 1953.[1]

[THE PREVENTION OF CRUELTY TO ANIMALS (BOMBAY AMENDMENT) ACT, 1953.]

[*20th May 1953*]

An Act to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the State of Bombay.

XI of 1890. WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1890, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Prevention of Cruelty to Animals (Bombay Amendment) Act, 1953. Short title.

XI of 1890. **2.** For section 6A of the Prevention of Cruelty to Animals Act, 1890, hereinafter referred to as the said Act, the following shall be substituted, namely:— Amendment of section 6A of Act XI of 1890.

"6A. For the purposes of sections 3A, 4 and 6, an owner or other person in possession or control of an animal shall be deemed to have permitted an offence if he fails to prove that he has exercised reasonable care and supervision with a view to the prevention of such offence. Interpretation.

Explanation.—For the purpose of this section a person claiming the animal shall be deemed to be the owner or person in possession or control of the same."

3. In section 6B of the said Act, in sub-section (*3*),— Amendment of section 6B of Act XI of 1890.

(*1*) the words ", unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed," shall be deleted;

(*2*) the following proviso shall be added at the end, namely:—

"Provided that the Magistrate or the Veterinary Officer may at any time before the animal is released direct that it shall be sent to a *pinjrapole* or be destroyed."

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 25.

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THE BOMBAY CRIMINAL PROCEDURE AMENDMENT ACT, 1953.

CONTENTS.

PREAMBLE

SECTIONS.

1. Short title and commencement.
2. Amendment of section 12 of Act V of 1898.
3. Amendment of section 13 of Act V of 1898.
4. Amendment of section 37 of Act V of 1898.
5. Amendment of section 144 of Act V of 1898
6. Amendment of section 145 of Act V of 1898.
7. Amendment of section 148 of Act V of 1898.
8. Amendment of section 190 of Act V of 1898.
9. Amendment of section 518 of Act V of 1898.
10. Amendment of Schedule III to Act V of 1898.
11. Amendment of Schedule IV to Act V of 1898
12. Amendment of section 4 of Bom. XXIII of 1951.
13. Amendment of Schedule to Bom. XXIII of 1951.

BOMBAY ACT No. XXXIV OF 1953.[1]

[THE BOMBAY CRIMINAL PROCEDURE AMENDMENT ACT, 1953.]

[*3rd June 1953*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay and the Bombay Separation of Judicial and Executive Functions Act, 1951.

V of 1898. Bom. XXIII of 1951. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay and the Bombay Separation of Judicial and Executive Functions Act, 1951, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Criminal Procedure Amendment Act, 1953.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Amendment of section 12 of Act V of 1898.

V of 1898. **2.** In the Code of Criminal Procedure, 1898, in its application to the State of Bombay (hereinafter called the said Code), in sub-section (*1*) of section 12, for the words "may, from time to time" the words "the Sessions Judge, subject to the control of the High Court, may, from time to time" shall be substituted.

Amendment of section 13 of Act V of 1898.

3. For section 13 of the said Code, the following section shall be substituted, namely :—

Appointment of Sub-Divisional Magistrates and Taluka Magistrates and their jurisdiction.

"13. (*1*) The State Government may appoint as many persons as it thinks fit to be Sub-Divisional Magistrates and Taluka Magistrates in any district outside Greater Bombay.

(*2*) The State Government or, subject to the control of the State Government, the District Magistrate, may place,—

(*i*) any Sub-Divisional Magistrate in charge of a sub-division, and

(*ii*) any Taluka Magistrate in charge of a taluka or mahal."

Amendment of section 37 of Act V of 1898.

4. For section 37 of the said Code, the following shall be substituted, namely :—

Additional powers conferable on Magistrates.

"37. (*1*) In addition to his ordinary powers,—

(*a*) the State Government may invest any Magistrate with any of the powers as specified in the fourth Schedule, and

(*b*) a Sessions Judge may invest any Judicial Magistrate within his local jurisdiction with the powers specified in sub-part (B) of Part I of the fourth Schedule.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 292-293.

(*2*) (*i*) The power under clause (*a*) of sub-section (*1*) shall be exercised by the State Government in the case of Judicial Magistrates in consultation with the High Court.

(*ii*) The power under clause (*b*) of sub-section (*1*) shall be exercised by the Sessions Judge with the approval of the High Court.

(*3*) The State Government may authorize a District Magistrate to invest any Magistrate subordinate to him with any of the powers specified in Part II of the fourth Schedule."

Amendment of section 144 of Act V of 1898.

5. In section 144 of the said Code,—

(*1*) in sub-section (*1*),—

(*a*) after the words "a Chief Presidency Magistrate" the words "the Commissioner of Police" shall be inserted;

(*b*) after the words "such Magistrate", wherever they occur, the words "or the Commissioner of Police" shall be inserted;

(*2*) in sub-section (*4*), after the word "office." the following shall be inserted, namely:—

"If the order under this section is made by the Commissioner of Police, the Commissioner of Police may either of his own motion, or on the application of any person aggrieved, rescind or alter such order.";

(*3*) in sub-section (*5*), after the word "Magistrate", wherever it occurs, the words "or the Commissioner of Police" shall be inserted.

(*4*) after sub section (*5*), the following shall be inserted, namely:—

"(*5A*) The provisions of sub-section (*4*) of section 435 shall apply to an order passed by the Commissioner of Police under this section."

Amendment of section 145 of Act V of 1898.

6. In section 145 of the said Code, in sub-section (*1*), after the words "whenever a" the words "Chief Presidency Magistrate", shall be inserted.

Amendment of section 148 of Act V of 1898.

7. In section 148 of the said Code, in sub-section (*1*), after the words "any District Magistrate," the words "a Chief Presidency Magistrate" shall be inserted.

Amendment of section 190 of Act V of 1898.

8. In section 190 of the said Code, in sub-section (*1*), for the words "in this behalf by the State Government in consultation with the High Court" the words and figures "in that behalf under section 37" shall be substituted.

Amendment of section 518 of Act V of 1898.

9. In section 518 of the said Code—

(*1*) for the words "to the District Magistrate or to a Sub-Divisional Magistrate" the words "in Greater Bombay, to a Presidency Magistrate specially empowered by the State Government and elsewhere, to the District Magistrate or a Sub-Divisional Magistrate" shall be substituted;

(*2*) in the marginal note to the said section, for the words "District or Sub-Divisional Magistrate" the words "Presidency, District or Sub-Divisional Magistrate" shall be substituted.

Amendment of Schedule III to Act V of 1898.

10. In Schedule III to the said Code,—

(*1*) in Part IV—

(*a*) after item (2c), the following shall be inserted, namely :—

" (2cc) Power to require security for good behaviour, section 108 ; " ;

(*b*) item (9) shall be deleted ;

(*2*) in Part V, in item (4), the words " in case of sedition " shall be deleted.

Amendment of Schedule IV to Act V of 1898.

11. In Schedule IV to the said Code,—

(*1*) in Part I,—

(*i*) after the word and figure " Part I " the brackets and letter " (A) " shall be inserted ;

(*ii*) the following shall be added after entry 4 under the heading " *Powers with which a Magistrate of the Third Class may be invested* ", namely :—

" (B) By a Sessions Judge.

Powers with which any Judicial Magistrate may be invested.

1. Power to take cognizance of offences upon complaint, section 190 ;
2. Power to take cognizance of offences upon police reports, section 190. " ;

(*2*) in Part II, after entry 6 under the heading " *Powers with which any other Executive Magistrate may be invested* ", the following shall be inserted, namely :—

" *Powers with which a Taluka Magistrate may be invested.*

Power to require security to keep the peace, section 107. "

Amendment of section 4 of Bom. XXIII of 1951.

Bom. XXIII of 1951.

12. Section 4 of the Bombay Separation of Judicial and Executive Functions Act, 1951, hereinafter referred to as the Separation of Judicial and Executive Functions Act, shall be numbered as sub-section (*1*) of the same section and—

(*1*) in sub-section (*1*) so numbered,—

(*a*) for the words " Nothing in this Act " the words " Save as provided in this section, nothing in this Act " shall be substituted ;

(*b*) for clause (*c*) the following shall be substituted, namely :—

" and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relevant enactments as amended by this Act. "

(*2*) after sub-section (*1*) so numbered, the following sub-section shall be inserted, namely :—

" (*2*) All legal proceedings pending before a Magistrate or Court on the date on which this Act comes into force shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the relevant enactments as amended by this Act, stand transferred to the Magistrate or Court having jurisdiction under the provisions of the relevant enactments as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate and Court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such Magistrate or in such Court. "

Amendment of Schedule to Bom. XXIII of 1951.

13. In Part II of the Schedule to the Separation of Judicial and Executive Functions Act. before the entry relating to the Metal Tokens Act, 1889 (I of 1889), the following shall be inserted in columns 1 to 4, namely :—

"1	2	3	4
1871	I	The Cattle-trespass Act, 1871.	(1) In section 20, for the words 'the Magistrate of the District or any Magistrate authorized to receive and try charges without reference by the Magistrate of the District' the words 'the Magistrate of the First Class' shall be substituted. (2) in sections 24, 26 and 27 the words 'before a Magistrate' shall be deleted."

THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 3 of Act I of 1894.
3. Amendment of section 11 of Act I of 1894.
4. Amendment of section 12 of Act I of 1894.
5. Insertion of new section 12A in Act I of 1894.
6. Insertion of new section 15A in Act I of 1894.
7. Amendment of section 17 of Act I of 1894.
8. Amendment of section 18 of Act I of 1894.
9. Amendment of section 27 of Act I of 1894.
10. Amendment of section 35 of Act I of 1894.
11. Amendment of section 46 of Act I of 1894.

BOMBAY ACT No. XXXV OF 1953.[1]

[THE LAND ACQUISITION (BOMBAY AMENDMENT) ACT, 1953.]

[*6th June 1953*]

An Act to amend the Land Acquisition Act, 1894, in its application to the State of Bombay.

I of 1894. WHEREAS it is expedient to amend the Land Acquisition Act, 1894, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Land Acquisition (Bombay Amendment) Act, 1953.

I of 1894. **2.** In section 3 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act),— Amendment of section 3 of Act I of 1894.

(*1*) in clause (*d*), the following shall be added at the end, namely :—

" and shall, in relation to any proceedings under this Act, include the Court of a Civil Judge (Senior Division) to which the principal Civil Court may transfer any such proceedings;";

(*2*) in clause (*f*),—

(*1*) after the word "includes" the brackets and figure "(1)" shall be inserted;

(*2*) after the words "such provision" the following shall be inserted, namely :—

" and

(*2*) the acquisition of land for purposes of the development of areas from public revenues or some fund controlled or managed by a local authority and subsequent disposal thereof in whole or in part by lease, assignment or sale, with the object of securing further development;"

3. To section 11 of the said Act, the following proviso shall be added, namely :— Amendment of section 11 of Act I of 1894.

" Provided that no such award shall be made by the Collector without the previous approval of the State Government or such officer as the State Government may appoint in this behalf."

4. In section 12 of the said Act,— Amendment of section 12 of Act I of 1894.

(*1*) in sub-section (*1*), after the words " and shall, ", the words, figures and letter " subject to the provisions of section 15A and " shall be inserted;

(*2*) in sub-section (*2*), after the word " award ", where it occurs for the first time, the words, figures and letter " or the amendment thereof made under section 12A " shall be inserted; and after the word " award ", where it occurs for the second time, the words " or amendment " shall be inserted.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 9.

Insertion of new section 12A in Act I of 1894.

5. After section 12 of the said Act, the following section shall be inserted, namely :—

Amendment of award.

" 12A. (*1*) Any clerical or arithmetical mistake in an award or errors arising therein from accidental slips or omission may, at any time not later than six months from the date of the award, be corrected by the Collector either on his own motion or on the application of a person interested and the award so corrected shall be deemed to have been amended accordingly.

(*2*) If the award so amended discloses any overpayment, the Collector shall, either immediately after the amendment of the award or after the expiry of the time allowed to make a reference to the Court from the amendment of the award, issue a notice to a person to whom overpayment was made that if the amount overpaid is not paid back to the State Government within one month after receipt of the notice, the amount overpaid shall be recovered as an arrear of land revenue and after the expiry of the time stated in the notice the amount shall be so recoverable."

Insertion of new section 15A in Act I of 1894.

6. After section 15 of the said Act, the following section shall be inserted, namely :—

Power of State Government to call for proceedings and pass orders thereon.

" 15A. The State Government may, at any time before an award is made by the Collector under section 11, call for and examine the record of any order passed by the Collector or of any inquiry or proceedings of the Collector, for the purpose of satisfying itself as to the legality or propriety of any order passed and as to the regularity of such proceedings. If, in any case, it shall appear to the State Government that any order or proceedings so called for should be modified, annulled or reversed, it may pass such order thereon as it deems fit."

Amendment of section 17 of Act I of 1894.

7. In section 17 of the said Act, in sub-section (*2*), after the words " access to any such station ", the following words shall be inserted, namely :—

" or whenever owing to a like emergency or owing to breaches or other unforeseen events causing damage to roads, rivers, channels or tanks, it becomes necessary for the State Government to acquire the immediate possession of any land for the purpose of maintaining road communication or irrigation or water supply service, as the case may be, "

Amendment of section 18 of Act I of 1894.

8. In section 18 of the said Act, after the word " award ", where it occurs for the first time, the words " or the amendment thereof " shall be inserted ; and after the said word, wherever it occurs thereafter, the words " or the amendment " shall be inserted.

Amendment of section 27 of Act I of 1894.

9. In section 27 of the said Act, in sub-section (*2*), after the words " award of the Collector ", the words " or the amendment thereof " shall be inserted.

Amendment of section 35 of Act I of 1894.

10. In section 35 of the said Act,—

(*1*) after sub-section (*1*), the following sub-sections shall be inserted, namely :—

" (*1A*) Before issuing a direction under sub-section (*1*) the State Government may require the Collector to submit—

(*a*) a plan of the land which is needed for occupation and use ; and

(*b*) an estimate of the compensation that would be payable under sub-section (*2*) ;

and upon the issue of such a requisition the Collector shall cause public notice of the substance of the requisition to be given at convenient places in the locality in which the land is situated.

(*1B*) After the issue of such notice, it shall be lawful for any officer either generally or specially authorised by the Collector in this behalf, and for his servants and workmen to exercise the powers conferred by sub-section (*2*) of section 4.

(*1C*) The officer authorised under sub-section (*1B*) shall at the time of his entry pay or tender payment for all necessary damage to be done as aforesaid, and, in the case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the decision of the Collector and such decision shall be final ; " ;

(*2*) in sub-section (*2*), for the words " The Collector shall thereupon " the words " Upon the issue of a direction under sub-section (*1*) the Collector shall " shall be substituted.

Amendment of section 46 of Act I of 1894.

11. In section 46 of the said Act, for the words and figure " or section 8 " the words and figures ", section 8 or section 35 " and for the words, figures and letter " section 3A or section 4 " the words, figures and letter " section 3A, section 4 or section 35 " shall be substituted.

THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Amount of compensation to be payable in transferable bonds.
3. Amendments to Acts specified in Second Schedule.
4. Rules.

FIRST SCHEDULE.

SECOND SCHEDULE.

BOMBAY ACT No. XXXVIII OF 1953.[1]

[THE BOMBAY LAND TENURES ABOLITION (AMENDMENT) ACT, 1953.]

[*9th June 1953*]

An Act to amend certain Bombay Land Tenures Abolition Acts.

WHEREAS it is expedient to amend certain Acts providing for the abolition of land tenures in the State of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and extent.

1. (*1*) This Act may be called the Bombay Land Tenures Abolition (Amendment) Act, 1953.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

Amount of compensation to be payable in transferable bonds.

2. (*1*) The amount of compensation payable under the provisions specified in column 2 of the First Schedule hereto annexed of the Acts specified in column 1 thereof, shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Bom. LX of 1950.

(*2*) Where compensation has been paid in non-transferable bonds under the provisions of section 7 of the Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950, at any time before the date of the coming into force of this Act, the holder thereof shall be entitled to have such bonds converted into transferable bonds repayable and carrying interest as provided in sub-section (*1*) within such period and in such manner as may be prescribed by rules made under this Act.

Amendments to Acts specified in Second Schedule.

3. The Acts specified in column 1 of the Second Schedule hereto annexed shall be amended in the manner and to the extent set forth in column 2 of that Schedule.

Rules.

4. The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

FIRST SCHEDULE.

(*See* section 2.)

Acts. 1	Provisions. 2
1. The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	Section 5.
2. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	Sections 7 and 14.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 284.

Acts.	Provisions.
1	2
3. The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	Section 12.
4. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).	Sections 6, 7 and 9 as amended by this Act.
5. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).	Section 4.
6. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).	Section 7.

SECOND SCHEDULE.

(*See* section 3.)

Acts.	Amendments.
1	2
The Bombay Maleki Tenure Abolition Act, 1949 (Bom. LXI of 1949).	In sub-section (*1*) of section 2, after clause (*c*) the following clause shall be inserted, namely :— "(*d*) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act."
The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).	In section 2, after clause (1) the following clause shall be inserted, namely :— "(1-A) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;".
The Bombay Khoti Abolition Act, 1949 (Bom. VI of 1950).	In section 2, in sub-section (*1*),— (*a*) after clause (*i*) the following clause shall be inserted, namely :— "(*i-a*) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;" (*b*) in clause (*vii*) (*b*) (*i*), the word "khasgi" shall be deleted.

Acts.	Amendments.
1	2
The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).	(1) In sub-section (*1*) of section 2, after clause (*b*), the following clause shall be inserted, namely :—
	"(*bb*) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;" ;
	(2) in section 4,—
	(i) in sub-section (*1*), for the words "two years", at both the places where they occur, the words "three years" shall be substituted ;
	(ii) in sub-section (*3*), for the word, brackets and figure "sub-section (*2*)" the words, figures and brackets "sub-sections (*1*) and (*2*)" shall be substituted ;
	(3) in section 6,—
	(i) in clause (2), for the portion beginning with the words "a sum equal to the amount of such land revenue" and ending with the words "until the expiry of the said period of ten years", the following shall be substituted, namely :—
	"a sum equal to ten times the amount of such land revenue shall be paid to the holder and if the holder dies before the payment of such sum, to his heir or heirs, after deducting therefrom the amount of cash allowance, if any, paid to such holder or heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force" ; Bom. XXXVIII of 1953.
	(ii) in the marginal note, for the words "continuation of cash allowance" the words "compensation in lieu of cash allowance or land revenue" shall be substituted.
	(4) for section 7 the following shall be substituted, namely :—
	"Compensation to the representative watandar. 7. In the case of a person who has been registered as a representative watandar immediately before the appointed day

Acts.	Amendments
1	2
	and who in consequence of the coming into force of this Act ceases to be entitled to the right to perform the duties of the office of a hereditary village accountant, a sum equal to seven times the total amount of the emoluments payable annually in cash to the representative watandar performing such service in the year immediately preceding the year in which this Act comes into force shall be paid to such representative watandar as compensation and if such watandar dies before the payment of the sum to him, his heir or heirs shall be paid such sum, after deducting therefrom the amount of compensation, if any, received by the representative watandar or his heir or heirs, as the case may be, during the period between the appointed day and the date on which the Bombay Land Tenures Abolition (Amendment) Act, 1953, came into force. Bom. XXXVIII of 1953.
	Explanation.—For the purposes of this section, a deputy or substitute officiating for the representative watandar shall not be entitled to receive such sum.'';

Acts.	Amendments.
1	2
	(5) In sub-section (*2*) of section 9, for the words, letters and figures " on or before the 31st day of March 1952 " the following shall be substituted and be deemed always to have been substituted, namely :— "on or before the 30th day of April 1954."
The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom. LXII of 1950).	In section 2, after clause (*b*) the following clause shall be inserted, namely :— "(*c*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act."
The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).	In sub-section (*1*) of section 2, after clause (*a*) the following clause shall be inserted, namely :— "(*aa*) 'Collector' includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;"

THE BOMBAY LABOUR WELFARE FUND ACT, 1953.

CONTENTS.

PREAMBLE.

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1. Short title, extent and commencement.
2. Definitions.
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4. Board.
5. Disqualifications and removal.
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7. Vesting and application of Fund.
8. Power of Board to borrow.
9. Investment of Fund.
10. Directions by State Government to Board.
11. Appointment and powers of Welfare Commissioner.
12. Appointment of Inspectors.
13. Absorption of the existing staff under Commissioner of Labour.
14. Appointment of clerical and other staff by Board.
15. Power of State Government to remove any person on staff of Board.
16. Power of State Government or authorised officer to call for records, etc.
17. Mode of recovery of sums payable into Fund, etc.
18. Supersession of Board.
19. Rules.
20. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.
21. Protection to person acting in good faith.
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23. Amendment of section 8 of Act IV of 1936.

BOMBAY ACT No. XL OF 1953.[1]

[THE BOMBAY LABOUR WELFARE FUND ACT, 1953.]

[*17th June 1953*]

An Act to provide for the constitution of a Fund for the financing of activities to promote welfare of labour in the State of Bombay and for conducting such activities.

WHEREAS it is expedient to constitute a Fund for the financing of activities to promote welfare of labour in the State of Bombay and for conducting such activities ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Labour Welfare Fund Act, 1953.

(*2*) It extends to the State of Bombay.

(*3*) It shall come into force in such area and on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless the context otherwise requires—

(*1*) "Board" means the Bombay Labour Welfare Board constituted under section 4 ;

(*2*) "Employee" means any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in an establishment ;

(*3*) "Employer" means any person who employs either directly or through another person either on behalf of himself or any other person, one or more employees in an establishment and includes—

LXIII of 1948.

(*i*) in a factory, any person named under section 7 (*i*) (*f*) of the Factories Act, 1948, as the manager ;

(*ii*) in any establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages ;

(*4*) "Establishment" means—

(*i*) a factory ;

(*ii*) a tramway or motor omnibus service ; and

XXI of 1860. Bom. XXIX of 1950.

(*iii*) any establishment including a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered under the Bombay Public Trusts Act, 1950, or not, which carries on any business or trade or any work in connection with or ancillary thereto and which employs or on any working day during the preceding twelve months employed more than fifty persons,

but does not include an establishment of the Central or any State Government ;

LXIII of 1948.

(*5*) "Factory" means a factory as defined in section 2 (*m*) of the Factories Act, 1948 ;

(*6*) "Fund" means the Bombay Labour Welfare Fund constituted under section 3 ;

(*7*) "Independent member" means a member of the Board who is not connected with the management of any establishment or who is not an employee, and includes an officer of Government nominated as a member ;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 327-328.

(*8*) "Inspector" means an Inspector appointed under section 12;

(*9*) "Prescribed" means prescribed by rules made under this Act;

(*10*) "Unpaid accumulations" means all payments due to the employees but not made to them within a period of three years from the date on which they became due whether before or after the commencement of this Act including the wages, and gratuity legally payable;

(*11*) "Wages" means all remuneration capable of being expressed in terms of money which would, if the terms of the contract of employment, express or implied were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include:—

(*a*) the value of—

(*i*) any house accommodation, supply of light, water, medical attendance; or

(*ii*) any other amenity or any service excluded by general or special order of the State Government;

(*b*) any contribution paid by the employer to any pension fund or provident fund or under any scheme of social insurance;

(*c*) any travelling allowance or the value of any travelling concession;

(*d*) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(*e*) any gratuity payable on discharge;

(*12*) "Welfare Commissioner" means the Welfare Commissioner appointed under section 11.

Wolfare Fund.

3. (*1*) There shall be constituted a fund called the Bombay Labour Welfare Fund and, notwithstanding anything contained in any other law for the time being in force, the sums specified in sub-section (*2*) shall be paid into the Fund.

(*2*) The Fund shall consist of—

(*a*) all fines realised from the employees;

(*b*) all unpaid accumulations;

(*c*) any voluntary donations;

(*d*) any fund transferred under sub-section (*5*) of section 7; and

(*e*) any sum borrowed under section 8.

(*3*) The sums specified in sub-section (*2*) shall be collected by such agencies and in such manner and the accounts of the Fund shall be maintained and audited in such manner as may be prescribed.

Board.

4. (*1*) The State Government shall, by notification in the *Official Gazette*, constitute the Board for the purpose of administering the Fund and to carry on such other functions assigned to the Board by or under this Act. The Board shall consist of the following members, namely:—

(*a*) such number as may be prescribed of representatives of employers and employees to be nominated by the State Government:

Provided that both employers and employees shall have equal representation on the Board:

(*b*) such number of independent members as may be prescribed, nominated by the State Government; and

(*c*) such number of independent members as may be prescribed, nominated by the State Government to represent women.

(*2*) The members of the Board shall elect one of its independent members as the Chairman of the Board.

(*3*) Save as otherwise expressly provided by this Act, the term of office of the members of the Board shall be three years commencing on the date on which their names are notified in the *Official Gazette*.

(*4*) The allowances, if any, payable to the members of the Board and the conditions of appointment of the representatives of the employers and employees shall be such as may be prescribed.

(*5*) The Board shall be a body corporate by the name of the Bombay Labour Welfare Board, having perpetual succession and a common seal, with power to acquire property both moveable and immoveable, and shall by the said name sue and be sued.

Disqualifications and removal.

5. (*1*) No person shall be chosen as, or continue to be a member of, the Board who—

(*a*) is a salaried official of the Board; or

(*b*) is or at any time has been adjudged insolvent or has suspended payment of his debts or has compounded with his creditors; or

(*c*) is found to be a lunatic or becomes of unsound mind; or

(*d*) is or has been convicted of any offence involving moral turpitude.

(*2*) The State Government may remove from office any member who—

(*a*) is or has become subject to any of the disqualifications mentioned in sub-section (*1*), or

(*b*) is absent without leave of the Board for more than three consecutive meetings of the Board.

Resignation of office by member and filling up of casual vacancies.

6. (*1*) A member may resign his office by giving notice thereof in writing to the State Government, and on such resignation being accepted, shall be deemed to have vacated his office.

(*2*) A casual vacancy in the office of a member shall be filled up, as soon as conveniently may be, by the authority concerned and a member so nominated shall hold office for the unexpired portion of the term of the office of his predecessor.

(*3*) No act or proceedings of the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in constitution of the Board.

Vesting and application of Fund.

7. (*1*) The fund shall vest in and be held and applied by the Board as Trustees subject to the provisions and for the purposes of this Act. The moneys therein shall be utilized by the Board to defray the cost of carrying out measures which may be specified by the State Government from time to time to promote the welfare of labour and of their dependents.

(*2*) Without prejudice to the generality of sub-section (*1*) the moneys in the Fund may be utilized by the Board to defray expenditure on the following :—

(*a*) community and social education centres including reading rooms and libraries ;

(*b*) community necessities ;

(*c*) games and sports ;

(*d*) excursions, tours and holiday homes ;

(*e*) entertainment and other forms of recreations ;

(*f*) home industries and subsidiary occupations for women and unemployed persons ;

(*g*) corporate activities of a social nature ;

(*h*) cost of administering the Act including the salaries and allowances of the staff appointed for the purposes of the Act ; and

(*i*) such other objects as would in the opinion of the State Government improve the standard of living and ameliorate the social conditions of labour :

Provided that the Fund shall not be utilized in financing any measure which the employer is required under any law for the time being in force to carry out ;

Provided further that unpaid accumulations and fines shall be paid to the Board and be expended by it under this Act notwithstanding anything contained in the Payment of Wages Act, 1936, or any other law for the time being in force. IV of 1936.

(*3*) The Board may, with the approval of the State Government, make a grant of the Fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government.

(*4*) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the State Government and the decision given by the State Government shall be final.

(*5*) It shall be lawful for the Board to continue any activity financed from the labour welfare fund of any establishment, if the said fund is duly transferred to the Board.

Power of Board to borrow.

8. The Board may from time to time with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as may be specified in this behalf borrow any sum required for the purpose of this Act.

Investment of Fund.

9. Where the Fund or any portion thereof cannot be applied at any early date for fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (*a*) to (*d*) and (*f*) of section 20 of the Indian Trusts Act, 1882. II of 1882.

Directions by State Government to Board.

10. The State Government may give the Board such directions as in its opinion are necessary or expedient in connection with expenditure from the Fund or for carrying out the other purposes of the Act. It shall be the duty of the Board to comply with such directions.

Appointment and powers of Welfare Commissioner.

11. (*1*) (*i*) The Welfare Commissioner shall be appointed by the Board with the previous approval of the State Government;

(*ii*) the Welfare Commissioner shall be the principal executive officer of the Board;

(*iii*) it shall be the duty of the Welfare Commissioner to ensure that the provisions of this Act and the rules made thereunder are duly carried out and for this purpose he shall have the power to issue such orders not inconsistent with the provisions of the Act and rules made thereunder as he deems fit including any order implementing the decisions taken by the Board under the Act or rules made thereunder.

(*2*) Notwithstanding anything contained in sub-section (*1*) the first Welfare Commissioner shall be appointed by the State Government as soon as practicable after the passing of this Act for a period not exceeding five years and on such conditions as the State Government thinks fit.

Appointment of Inspectors.

12. (*1*) The State Government may appoint Inspectors to inspect records in connection with the sums payable into the Fund.

(*2*) Any Inspector may—

(*a*) with such assistance, if any, as he thinks fit, enter at any reasonable time any premises for carrying out the purposes of this Act;

(*b*) exercise such other powers as may be prescribed.

Absorption of the existing staff under Commissioner of Labour.

13. (*1*) The Board shall take over and employ such of the existing staff under the control of the Commissioner of Labour, Bombay, as the State Government may direct and every person so taken over and employed shall be subject to the provisions of this Act and the rules made thereunder:

Provided that—

(*a*) during the period of such employment all matters relating to pay, leave, retirement, allowances, pensions, provident fund and other conditions of service of the said staff shall be regulated by the Bombay Civil Services Rules or such other rules as may from time to time be made by the State Government;

(*b*) every such member shall have a right of appeal to the State Government against any order of reduction, dismissal or removal from service, fine or any other punishment:

Provided further that person so taken over may elect within the prescribed period that he desires to be governed by the rules made under this Act in respect of conditions of service of the staff appointed by the Board under this Act and on his electing to do so the provisions of the first proviso shall cease to apply to him.

Appointment of clerical and other staff by Board.

14. The Board shall have power to appoint the necessary clerical and executive staff to carry out and supervise the activities financed from the Fund:

Provided that the expenses of the staff thus appointed and other administrative expenses shall not exceed a prescribed percentage of the annual income of the Fund.

Power of State Government to remove any person on staff of Board.

15. The State Government shall have the power to remove any person whom it may deem unsuitable, from the service of the Board and to make an appointment in respect of whom more than one-third of the members of the Board have not agreed.

Power of State Government or authorised officer to call for records, etc.

16. The State Government or any officer authorised by the State Government may call for the records of the Board, inspect the same and may supervise the working of the Board.

Mode of recovery of sums payable into Fund, etc.

17. Any sum payable into the Fund under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue.

Supersession of Board.

18. (*1*) If the State Government is satisfied that the Board has made default in performing any duties imposed on it by or under this Act or has abused its power, the State Government may by notification in the *Official Gazette* supersede and re-constitute the Board in the prescribed manner :

Provided that before issuing the notification under this sub-section, the State Government will give a reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board.

(*2*) After the supersession of the Board and until it is reconstituted the powers, duties and functions of the Board under this Act shall be exercised or performed by the Board or by such officer or officers, as the State Government may appoint for this purpose.

Rules.

19. (*1*) The State Government may by notification in the *Official Gazette* and subject to the condition of previous publication, make rules to carry out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may be made for all or any of the following matters, namely :—

(*a*) the agency for and the manner of collection of sums specified in sub-section (*3*) of section 3 ; and the period within which the same shall be paid to the credit of the Fund ;

(*b*) the manner in which the accounts of the Fund shall be maintained and audited under sub-section (*3*) of section 3 ;

(*c*) the procedure for making grants from the Fund under section 7 ;

(*d*) the procedure for defraying the expenditure incurred in administering the Fund ;

(*e*) the number of representatives of employers and employees, independent members and representatives of women on the Board, and the allowances, if any, payable to them, under section 4 ;

(*f*) the manner in which the Board shall conduct their business ;

(*g*) the duties and powers of the Inspectors and the conditions of service of the Welfare Commissioner and Inspectors and other staff appointed under this Act ;

(*h*) the percentage of the annual income of the Fund beyond which the Board may not spend on the staff and on other administrative measures ;

(*i*) the registers and records to be maintained under the Act ;

(*j*) the publication of the report of the activities financed from the Fund together with a statement of receipts and expenditures of the Fund and statement of accounts;

(*k*) any other matter which under this Act is or may be prescribed.

Members of Board, Welfare Commissioner Inspectors and all officers and servants of Board to be public servants.

20. The members of the Board, the Welfare Commissioner, Inspectors and all officers and servants of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Protection to persons acting in good faith.

21. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Exemption.

22. The State Government may by notification in the *Official Gazette* exempt any class of establishment from all or any of the provisions of this Act subject to such conditions as may be specified in the notification.

Amendment of section 8 of Act IV of 1936.

23. In section 8 of the Payment of Wages Act, 1936, to sub-section (*8*) the following shall be added, before the Explanation, namely :—

IV of 1936.

"but in the case of any factory or establishment to which the Bombay Labour Welfare Fund Act, 1953, applies all such realisations shall be paid into the Fund constituted under the said Act."

Bom. XL of 1953.

THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952.

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SCHEDULE I.

SCHEDULE II.

BOMBAY ACT No. XLII OF 1953.[1]

[THE BOMBAY PERSONAL INAMS ABOLITION ACT, 1952.]

[*20th June 1953*]

Amended by Bom. 9 of 1954.

An Act to abolish personal inams in the State of Bombay.

WHEREAS it is necessary and expedient in the public interest to abolish personal inams in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Personal Inams Abolition Act, 1952.

(*2*) It extends to the whole of the State of Bombay excluding the merged territories.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed date" means the date on which this Act comes into force ;

Bom. V of 1879.

(*b*) "Code" means the Bombay Land Revenue Code, 1879 ;

[2][(*ba*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;]

(*c*) "inamdar" means a holder of a personal inam and includes any person lawfully holding under or through him ;

(*d*) "inam village" or "inam land" means a village or a portion of a village or land, as the case may be, held by a person under a personal inam ;

(*e*) "personal inam" means,—

(i) a grant of a village, portion of a village, land or total or partial exemption from the payment of land revenue entered as personal inam in the alienation register kept under section 53 of the Code.

(ii) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government in respect of any right, privilege, perquisite or office and entered as class I, II, III, IV or V in the records kept under the rules made under the Pensions Act, 1871.

XXIII of 1871.

Explanation.—If any question arises whether any grant is a personal inam such question shall be referred to the State Government and the decision of the State Government shall be final ;

(*f*) "prescribed" means prescribed by rules made under this Act ;

(*g*) "Schedule" means a Schedule appended to this Act.

(*2*) The other words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

Act not to apply to certain inams and grants.

3. Nothing in this Act shall apply to—

(*1*) saranjams, jahagirs and other political inams ;

(*2*) devastan inams or inams held by religious or charitable institutions ;

(*3*) inams held for service useful to Government ;

(*4*) inams held for service useful to the community ; and

(*5*) revenue free sites granted by Government for the construction of schools, colleges, hospitals, dispensaries, religious or charitable institutions or other public works from which no profit is intended to be derived.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 40.

[2] This clause was inserted by Bom. 9 of 1954, s. 2

Abolition of personal inams and rights in respect of such inams.

4. Notwithstanding anything contained in any usage, settlement, grant, sanad or order or a decree or order of a Court or any law for the time being in force, with effect from and on the appointed date :

(*i*) all personal inams shall be deemed to have been extinguished,

(*ii*) save as expressly provided by or under the provisions of this Act, all rights legally subsisting on the said date in respect of such personal inams shall be deemed to have been extinguished :

Provided that in the case of a personal inam consisting of exemption from the payment of land revenue only, either wholly or in part, such exemption shall be deemed to have been extinguished—

(*a*) if the amount of such exemption is or exceeds Rs. 5,000, with effect from the 1st day of August 1953, and

(*b*) in all other cases, with effect from the 1st day of August 1955.

Liability of inam village or inam land to payment of land revenue and inamdar and permanent holder to be occupant.

5. (*1*) All inam villages or inam lands are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such lands.

(*2*) (*a*) An inamdar in respect of the inam land in his actual possession or in possession of a person holding from him other than an inferior holder, referred to in clause (*b*) below, or

(*b*) an inferior holder holding inam land on payment of annual assessment only, shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Compensation for abolition of cash allowance.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order but subject to the provisions of this Act, a sum equal to seven times the amount of a cash allowance referred to in section 2(*1*)(*e*) (*ii*), if any, due to an inamdar as personal inam shall be paid to him as compensation in consideration of the extinguishment of his right to receive such allowance.

All public roads, etc., situate in inam villages to vest in Government.

7. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside, the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals, and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any inam village or inam land shall, except in so far as any rights of any person other than the inamdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by an inamdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of a way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

XVI of 1927. 8. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in an inam village or inam land. Right to trees.

9. Nothing in this Act or any other law for the time being in force, shall be deemed to affect the rights of any inamdar subsisting on the appointed date to mines or mineral products in an inam village or inam land granted or recognized under any contract, grant or law for the time being in force or a decree of a Court. Right to mines and mineral products.

10. (*1*) Any inamdar having any right or interest in any property referred to in section 7 shall be entitled to compensation in the manner provided in the following paragraphs, namely :— Compensation to inamdars for extinguishment of rights under section 7.

(*a*) within a period of twelve months from the appointed date, the inamdar shall apply in writing to the Collector stating the nature of his right or interest, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his right or interest;

(*b*) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any right or interest in the property and that such right or interest has been extinguished under section 7, he shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions, namely :—

I of 1894.

(*i*) if the property in question is waste or uncultivated but is culturable land the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section the " market value " shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable.

I of 1894.

(*2*) Every award made under sub-section (*1*) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

I of 1894.

11. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act. Appeal against Collector's award.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

12. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers while a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908. V of 1908.

Limitation.

13. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees.

14. Notwithstanding anything contained in the Court-fees Act, 1870 every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court fee stamp of such value as may be prescribed. VII of 1870.

Finality of award and decision of Revenue Tribunal.

15. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

16. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Method of compensation for abolition, etc., of other rights in property.

17. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) The application under sub-section (*1*) shall be made to the Collector in the prescribed form within twelve months from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided in for sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(*4*) The provisions of sections 10 to 16 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(*5*) Nothing in this section shall entitle any person to compensation on the ground that any inam village or inam land which has wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Amount of compensation to be payable in transferable bonds.

[1][**17-A.** The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per-cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.]

Provisions of Bom. LXVII of 1948 to govern the relations of inamdar and tenants.

18. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any inam village or inam land or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

[1] This section was inserted by Bom. 9 of 1954, s. 3.

19. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*. **Rules.**

20. (*1*) With effect from and on the appointed date,— **Modification and discontinuance of application of certain enactments.**

(*a*) the provisions of the enactments specified in Schedule I shall be repealed or amended to the extent specified in column 4 of the said Schedule; and

(*b*) the provisions of the enactments specified in Schedule II shall cease to apply to all inam villages or inam lands and to Inamdars.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed date;

(*b*) any proceeding in respect of such obligation or liability; or

(*c*) anything done in the course of such proceeding in any Court on or before the aforesaid date and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULES.

(*See* section 20.)

Schedule I.

Year.	No.	Short title.	Extent of repeal or amendment.
1	2	3	4
1887	VII	.. The Toda Giras Allowances Act, 1887 ..	The whole Act shall be repealed
1949	LXI	.. The Bombay Maleki Tenure Abolition Act, 1949.	Sub-section (*2*) of section 3 shall be deleted.
1949	LXII	.. The Bombay Taluqdari Tenure Abolition Act, 1949.	Clause (*a*) of sub-section (*2*) of section 5 shall be deleted.
1949	LXIII	.. The Panch Mahals Mehwassi Tenure Abolition Act, 1949.	Sub-section (*2*) of section shall be deleted.

Schedule II.

Year	No.	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	.. The Bombay Rent Free Estates Act, 1852 ..	The whole Act shall cease to apply.
1863	II	.. The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1863	VII	.. The Exemptions from Land Revenue (No. 2) Act, 1863.	Do. do.
1871	XXIII	.. The Pensions Act, 1871 ..	Do. o.

THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.

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THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XLIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (ANKADIA TENURE ABOLITION) ACT, 1953.]

[*22nd June 1953*]

Amended by Bom. 58 of 1954.
" " " 2 of 1955.
" " " 46 of 1955.

An Act to abolish Ankadia Tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the Ankadia tenure prevailing in the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas], to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953

(*2*) It extends to the merged territories of the former States of Baroda, Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] which are included in the districts of Baroda, Kaira, Panch Mahals, Sabar Kantha, Ahmedabad, Mehsana and Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " Ankadedar " means a person holding an Ankadia village on Ankadia tenure and includes his co-sharer ;

(*b*) " Ankadia tenure " means the tenure on which a village is held by an Ankadedar—

(*i*) in the merged territories of the former State of Baroda under the Baroda Ankadia Villages Rules of 1932, and

(*ii*) in the merged territories of the former States of Idar, Balasinor, Malpur, [2][Ambaliara,] Lunawada and Deogadh Baria [2][and of the former estate of Ramas] in accordance with the terms of a lease or any other agreement ;

(*c*) " Ankadia Villages " means the villages specified in the first and second Schedules ;

(*d*) " Ankado " means a lump sum payable annually to Government by an Ankadedar out of the revenues realised by him annually from an Ankadia village ;

Bom. V of 1879.

(*e*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*f*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*g*) " Gharkhed land " means the land held by an Ankadedar as his private or personal property ;

(*h*) " Jiwai land " means a land held by a cadet of an Ankadedar's family for the purpose of maintenance ;

(*i*) " prescribed " means prescribed by rules under this Act ;

(*j*) " Schedule " means a Schedule appended to this Act

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 165–166.

[2] These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning assigned to it by the Code.

(*3*) References in this Act to the provisions of the Baroda Ankadia Villages Rules of 1932 and the leases and agreements governing Ankadia tenure and incidents of Ankadia tenure shall, notwithstanding the repeal of the said Rules, the cancellation of the said leases and agreements and the abolition of the said tenure by this Act, be construed as references to the said provisions, leases, agreements and incidents as they were in force immediately before this Act comes into force.

(*4*) If any question arises whether any land is Gharkhed or Jiwai, the State Government or any officer authorised by the State Government shall decide the question and such decision shall be final.

Abolition of Ankadia tenure.

3. With effect from and on the date on which this Act comes into force—

(*i*) the Ankadia tenure, wherever it prevails in the territory to which this Act extends shall be deemed to have been abolished ;

(*ii*) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished ;

(*iii*) all the leases or agreements under which the Ankadia villages specified in the second Schedule were held immediately before the coming into force of this Act shall be deemed to have been cancelled ;

(*iv*) all the Ankadia villages are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder :

Provided that nothing in clause (*iv*) shall be deemed to affect,—

(*a*) *devasthan* inams or inams held by religious or charitable institutions ; and

(*b*) inams held for service useful to Government :

Provided further that nothing in this section shall affect the payment of maintenance allowance to a widow of a deceased Ankadedar sanctioned by the State Government under the provisions of the Baroda Ankadia Villages Rules of 1932.

Persons to be deemed as occupants.

4. (*1*) (A) In an Ankadia village specified in the first Schedule—

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar,

(*ii*) in the case of Jiwai land [1][, subject to the provisions of section 4A], the person holding such land,

(*iii*) in the case of land held by a person who immediately before the coming into force of this Act was liable to pay to the Ankadedar land revenue or rent in respect of such land as an incident of Ankadia tenure, such person, and

(B) in an Ankadia village specified in the Second Schedule,

(*i*) in the case of Gharkhed land held by an Ankadedar, the Ankadedar, and

(*ii*) in the case of land held by a person whose name has been immediately before the commencement of this Act, entered in the record of rights as occupier (Kabjedar) of such land and who was liable to pay to the Ankadedar land revenue in respect of such land as an incident of Ankadia tenure, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

[1] These words, figure and letter were inserted by Bom. 46 of 1955, s. 2.

(2) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (1) shall be free from the liability for the payment of any amount in respect thereof to the Ankadedar as an incident of Ankadia tenure and all the rights of an Ankadedar in his capacity as an Ankadedar in such land shall be deemed to have been extinguished.

Tenants of Jiwai lands to be occupants thereof.

[1][4A. (1) If any Jiwai land is in the possession of a person, who immediately before the date of the coming into force of this Act was liable to pay land revenue or rent in respect of such land to the cadet of an Ankadedar's family holding such land, such person shall be entitled to the rights of an occupant in respect of the land in his possession on payment in the prescribed manner to such cadet of the occupancy price equivalent to six multiples of assessment fixed for such land.

(2) The right conferred under sub-section (1) shall not be exercisable after a period of five years from the date on which the Bombay Merged Territories (Ankadia Tenure Abolition) (Amendment) Act, 1955, comes into force.

Explanation.—For the purposes of this section, 'land' shall have the same meaning as it has in clause (8) of section 2 of the Bombay Tenancy and Agricultural Lands Act, 1948.]

Bom. 46 of 1955.

Bom. LXVII of 1948.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

5. For the removal of doubt, it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in an Ankadia village and all other kinds of property referred to in section 37 of the Code situate in an Ankadia village, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force are together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for extinguishment or modification of rights of Ankadedars.

6. (1) If an Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in an Ankadia village, he may apply to the Collector for compensation.

(2) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(3) The Collector shall, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly:

Provided that the amount of compensation shall be three times the average of the amount proved to have been realised annually by the Ankadedar as revenues of a village during the three years immediately before the date on which this Act comes into force minus the Ankado paid or payable to Government during the said period of three years.

(4) Subject to the provisions of section 9, the award of the Collector shall be final.

Method of compensation for extinguishment or modification of rights of any other person.

7. (1) If any person other than the Ankadedar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

[1] This section was inserted by Bom. 46 of 1955, s. 3.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) Subject to the provisions of section 9, the award of the Collector shall be final.

In determining compensation sections 23 and 24 of Land Acquisition Act, 1894, to be applicable.

8. In determining the amount of compensation under section 6 or 7, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

Appeal against award.

9. (*1*) Any person aggrieved by the award of the Collector made under section 6 or 7 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939. Bom. XII of 1939.

(*2*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

Limitation for appeals

10. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal. IX of 1908.

Court fees.

11. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Amount of compensation to be payable in transferable bonds.

12. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Ankadia villages.

13. Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any Ankadia village or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provision of this Act. Bom. LXVI of 1948.

Rules.

14. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

Repeal

15. The Baroda Ankadia Villages Rules of 1932 are hereby repealed:

Provided that the repeal of the said Rules and cancellation of leases and agreements as provided in section 3 shall not affect—

(*a*) the validity, invalidity, effect or consequence of anything already done or suffered to be done under the said Rules or the said leases and agreements before the date of the commencement of this Act; or

(*b*) any obligation or liability already incurred or accrued thereunder before such date.

THE FIRST SCHEDULE.

[*See* section 2 (*1*) (*c*)].

Ankadia villages in the merged territories of the former State of Baroda.

	Name of the Village.	District.
	(1) *Ek-Ankadi Thakarati Villages.*	
1.	Rajapura	Baroda.
2.	Mote Sherdi	Kaira.
3.	Bakrol	Panch Mahals.
4.	Karmadi	Baroda.
5.	Manekpur Makakhad	Mehsana
6.	Limbodra	Do.
7.	Pindarda	Do.
8.	Amaja	Do.
9.	Ambawada	Do.
10.	Rampur	Amreli.
	(2) *Farta Ankadi Thakarati Villages.*	
1.	Aglod Motawas including Hathipura	Mehsana.
2.	Aglod Nanawas	Do.
3.	Ghantu Dhanpura	Do.
4.	Rampur Kuvayada	Do.
5.	Sangapur Ghasayata	Do.
6.	Sardarpur	Do.
7.	Ransipur	Do.
8.	Kot	Do.
9.	Lakaroda	Do.
10.	Dethli	Do.
11.	Aluwa	Do.
[1][12.	Vansa]	Do.
13.	Mosampur	Ahmedabad.

[1] This entry was substituted for the original, by Bom. 58 of 1954, s. 2, Sch.

Name of the Village.						District.
14.	Sherkhi	...	...	...	...	Baroda.
15.	Sindharot	...	...	...	...	Do.
16.	Nawa Jaspur	...	...	...	...	Do.
17.	Ekalbara	...	...	...	...	Do.
18.	Khandiwada	...	...	...	...	Do.
19.	Saranej	...	...	...	...	Do.
20.	Khandha	...	...	...	...	Do.
21.	Saroli	...	...	...	...	Sabar Kantha.
22.	Valor	...	...	...	...	Mehsana.
23.	Bhimpur	...	...	...	...	Do.

(3) *Ek-Ankadi Matadari Villages.*

1.	Rantej	...	...	...	...	Mehsana.
2.	Ambod	...	...	...	...	Do.
3.	Changod	...	...	...	...	Do.
4.	Madhasan	...	...	...	...	Do.
5.	Chandapur	...	...	...	...	Do.
6.	Sidosan	...	...	...	...	Do.
7.	Khad Khambhalia		...	...	...	Amreli.

(4) *Farta Ankadi Matadari Villages.*

1.	Kunvadra	...	...	...	...	Mehsana.
2.	Mandali Vihar	...	...	...	...	Do.
3.	Bilódra	...	...	...	...	Do.
4.	Mahudi	...	...	...	...	Do.
5.	Ranchhodpura	...	...	...	...	Do.
6.	Ganeshpura	...	...	...	...	Do.
7.	Anodia	...	...	...	...	Do.
8.	Titodan	...	...	...	...	Do.
9.	Rangapur	...	...	...	...	Do.
10.	Haranahoda	...	...	...	...	Do.

	Name of the village.	District.
11.	Sujanpura	Mehsana.
12.	Dedana	Do.
13.	Sunasar	Do.
14.	Delapura	Do.
15.	Wamaiya	Do.
16.	Sanpara	Do.
17.	Bhundiya	Ahmedabad.
18.	Lahekawada	Do.
19.	Chekhalarani	Do.
20.	Nani Dau	Mehsana.
21.	Nagalpur Wanto	Do.
22.	Chhatiarda Wanto.	Do.
23.	Iyasara	Do.
24.	Gunja Wanto	Do.
25.	Sawala	Do.

THE SECOND SCHEDULE

[*See* section 2 (*1*) (*c*)].

Ankadia villages in the merged territories of the former Idar, Balasinor, Malpur, [1][Ambaliara,] Lunawada and Devgadh Baria States [1][and of the former estate of Ramas].

	Name of the Village.	District.
1.	Banthiwada Ajuna	Sabar Kantha.
2.	Banthiwada Hirola	Do.
3.	Banthiwada Lalkupa	Do.
4.	Banthiwada Jema	Do.
5.	Banthiwada Bamni	Do.
6.	Banthiwada Hira Tinba	Do.
7.	Rayawada	Do.
8.	Bhemapur	Do.
9.	Vagnora	Do.
10.	Lakhapur	Do.
11.	Surdevi	Do.
12.	Baskavo Danti	Do.
13.	Nesda	Do.
14.	Lalodia	Do.

[1] These words were inserted by Bom. 2 of 1955, s. 3, Second Schedule. This has been given retrospective effect.

	Name of the Village.	District.
15.	Lambhoya	Sabar Kantha.
16.	Rajpur	Do.
17.	Keshra Damor na Dhundha	Do.
18.	Palla	Do.
19.	Dhuleta	Do.
20.	Dachaka	Do.
21.	Mandali	Do.
22.	Vegha Damor na Dhundha	Do.
23.	Krishnapur	Do.
24.	Belva	Do.
25.	Limbodra	Do.
26.	Karanpur	Do.
27.	Vasai	Do.
28.	Royania	Do.
29.	Dhanivada	Do.
30.	Ghandikyana	Do.
31.	Pisal	Do.
32.	Kamreda	Do.
33.	Sisodra	Do.
34.	Ghodnal	Do.
35.	Ankhol	Do.
36.	Manpur (Ramas)	Do.
37.	Lodhiana Pahadia	Do.
38.	Kanela	Do.
39.	Mora	Do.
40.	Othwad	Kaira.
41.	Nawagam	Do.
42.	Bar	Do.
43.	Jodhpur	Do.
44.	Saradia	Do.
45.	Limarvada	Do.
46.	Parabia	Do.
47.	Bhanthals	Do.

	Name of the Village.	District.
48.	Baliadev	Kaira.
49.	Dolat-poyda	Do.
50.	Dhanela	Do.
51.	Raiyoli	Do.
52.	Jalasang	Panch Mahals.
53.	Simalia	Do.
54.	Gollav	Do.
55.	Bhutpagla	Do.
56.	Bor	Do.
57.	Bilia	Do.
58.	Kalidungri Velji Falia	Do.
59.	Paroli	Do.
60.	Bhilod	Do.
61.	Nathkuva	Do.
62.	Palli	Do.
63.	Limdi-Mehdhari	Do.
64.	Chari	Do.
65.	Khotharia	Do.
66.	Dolatpura	Do.
67.	Kalakhetra	Do.
68.	Jethola	Do.
69.	Korwai	Do.
70.	Chhani	Do.
71.	Dholkhakhara	Do.
72.	Vadhela	Do.
73.	Limdi-Timba	Do.
74.	Vavkuva	Do.
75.	Punjelao	Do.
76.	Navisingnali	Do.
77.	Chhala Baria-na-muvada	Do.
78.	Timba	Do.
79.	Makhalia	Do.
80.	Sevalia	Do.
81.	Jokha	Do.
82.	Gugata	Do.
83.	Khat-na-muvada	Do.
84.	Jesola	Do.
85.	Bhotwa	Do.
86.	Shekhpur	Do.
87.	Jalam-Baria-na-muvada	Do.

THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953.

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BOMBAY ACT No. XLIV OF 1953.[1]

[THE BOMBAY KAULI AND KATUBAN TENURES (ABOLITION) ACT, 1953.]

[*22nd June 1953.*]

An Act to abolish kauli and katuban tenures in the State of Bombay.

WHEREAS certain lands in the Kolaba, Kolhapur and Ratnagiri Districts of the State of Bombay are held on kauli and katuban tenures ;

AND WHEREAS it is expedient to abolish the said tenures, to extinguish the rights and incidents of the said tenures and to make provision for other consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Kauli and Katuban Tenures (Abolition) Act, 1953.

(*2*) It extends to the districts of Kolaba, Kolhapur and Ratnagiri in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

Bom V of 1879.

(*a*) "Code" means the Bombay Land Revenue Code, 1879;

(*b*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*c*) "kaul or katuban lease" means a lease or an agreement under which a kauli or katuban land is held, as the case may be;

(*d*) "kaul-holder" means a person holding kauli or katuban land under a kaul or katuban lease;

(*e*) "kauli or katuban land" means land held on kauli or katuban tenure;

(*f*) "permanent holder" means the holder of kauli or katuban land to whom such land has been lawfully transferred as a purchaser or who lawfully holds such land as *dhara* land or on payment of fixed rent or assessment;

(*g*) "prescribed" means prescribed by rules made under this Act;

Bom. XII of 1939.

(*h*) "Tribunal" means the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Resumption of kauls.

3. With effect from the date on which this Act comes into force,—

(*1*) all kaul and katuban leases are hereby cancelled;

(*2*) save as expressly provided by this Act, all terms and conditions of the said leases and all incidents thereunder shall be deemed to have been extinguished ; and

(*3*) any tax known as a tree tax leviable in respect of any kauli or katuban land is hereby abolished.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 154.

Liability of kauli and katuban lands to land revenue.

4. Notwithstanding anything contained in a kaul, a katuban lease, a decree or order of a court or any other instrument or any law for the time being in force,—

(*a*) all kauli and katuban lands are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder; and

(*b*) (*i*) a kaul-holder in respect of kauli or katuban land which is in his actual possession or is in the possession of any person who holds the same through or under him and who is not a permanent holder; or

(*ii*) a permanent holder;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights, and shall be liable to all the obligations, in respect of such land under the Code and the rules made thereunder or any other law for the time being in force.

Waste lands, etc., to vest in State Government.

5. (*a*) All waste lands which under the terms of the kaul or katuban lease are the property of the kaul-holder but have not been appropriated or brought under cultivation before the 4th March 1953;

(*b*) all other kinds of property referred to in section 37 of the Code situate in kauli or katuban land which is not the property of any individual or an aggregate of persons legally capable of holding property other than the kaul-holder and except in so far as any rights of persons may be established in or over the same and except as may be otherwise provided by any law for the time being in force, together with all rights in or over the same or appertaining thereto,

are, and are hereby declared to be, the property of the State Government and it shall be lawful to dispose of and sell the same by the authority, in the manner and for the purposes prescribed in section 37 or 38 of the Code, as the case may be.

Forest rights.

6. The rights to trees reserved by the Code, the Indian Forest Act, 1927, or any other law for the time being in force shall vest in the State Government and nothing in this Act shall affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in any kauli or katuban land. XVI of 1927. XVI of 1927.

Method of compensation on abolition of rights under the kauli or katuban land.

7. (*1*) If the kaul-holder or any person claiming through or under him is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any property and if such kaul-holder or person proves that the extinguishment or modification amounts to transference to public ownership of his property, the kaul-holder or person may apply to the Collector for compensation.

(*2*) Such application shall be made in the form prescribed within six months from the date on which this Act comes into force.

(*3*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, award such compensation as he deems reasonable and adequate:

Provided that the amount of compensation for extinguishment of any right in any waste land which under the terms of the kaul or katuban lease was the property of the kaul-holder shall be the amount calculated at the rate of Rs. 25 per 100 acres of such land:

Provided further that in the case of extinguishment or modification of any other right of a kaul-holder or the right of any other person the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

No compensation on account of land being made liable to payment of full assessment.

8. Nothing in section 7 shall entitle any person to compensation on the ground that any kauli or katuban land held by him on payment of a fixed assessment or rent either in cash or in kind which is lower in value than the full assessment payable in respect of such land in accordance with the provisions of the Code has been, under the provisions of this Act, made subject to the payment of such full assessment.

Amount of compensation to be payable in transferable bonds.

9. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Appeal.

10. (*1*) Any person aggrieved by the award of the Collector may appeal to the Tribunal.

(*2*) In deciding appeals under this section, the Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

11. Every appeal under this Act to the Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court fee.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Tribunal shall bear a court fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award of Collector and decision of Tribunal.

13. The award made by the Collector subject to an appeal to the Tribunal and the decision of the Tribunal on appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

14. All inquiries and proceedings before the Collector and the Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Rules.

15. The State Government may by notification in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication.

THE BOMBAY MERGED TERRITORIES (BARODA MULGIRAS TENURE ABOLITION) ACT, 1953.

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5. Compensation for the abolition of cash *haks*.
6. All public roads, etc., situate in mulgiras villages or lands to vest in Government.
7. Right to trees.
8. Compensation to mulgirasias for extinguishment of rights under section 6.
9. Appeal against Collector's award.
10. Procedure before Revenue Tribunal.
11. Limitation.
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14. Inquiries and proceedings to be judicial proceedings.
15. Method of compensation for the extinguishment or modification of any other rights.
16. Amount of compensation to be payable in transferable bonds.
17. Provisions of Bombay LXVII of 1948 to govern the relations of landlord and tenant in mulgiras villages and lands.
18. Rules.
19. Repeals.

SCHEDULE.

BOMBAY ACT No. XLV OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (BARODA MULGIRAS TENURE ABOLITION) ACT, 1953.]

[*23rd June 1953*]

An Act to abolish mulgiras tenure prevailing in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish the mulgiras tenure prevailing in the merged territories of the former State of Baroda, to extinguish the rights appertaining thereto and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former State of Baroda which are included in the district of Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context —

(*i*) "*Ankdo*" means a lump sum paid annually by a mulgirasia to Government as revenues and other *haks* in respect of the village held by him;

(*ii*) "cash *hak*" means a cash allowance received by a mulgirasia in lieu of *haks* known as *Chirda Hak*, *Mapa Hak*, *Taka Hak* or *Kothali Santh* under the law in force in the merged territories of the former State of Baroda immediately before the 30th day of July 1949;

Bom. V of 1879.

(*iii*) "Code" means the Bombay Land Revenue Code, 1879;

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*v*) "mulgirasia" means the holder of a mulgiras village or mulgiras land and includes his co-sharer;

(*vi*) "mulgiras tenure" means a tenure on which a mulgiras village or land is held by a mulgirasia;

(*vii*) "mulgiras land" means a land held on mulgiras tenure;

(*viii*) "mulgiras villages" means villages specified in the Schedule appended to this Act;

(*ix*) "prescribed" means prescribed by rules made under this Act.

(*2*) Any word or expression which is defined in the Code but not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the incidents of mulgiras tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

Abolition of mulgiras tenure.

3. With effect from and on the date on which this Act comes into force,—

(*1*) the mulgiras tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(*2*) the right of a mulgirasia to receive any cash *hak* shall be deemed to have been terminated;

(*3*) save as expressly provided by this Act all the incidents of the said tenure shall be deemed to have been extinguished;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pp. 119-120.

(*4*) a mulgirasia shall cease to pay to the State Government any ***Ankdo*** payable by him as an incident of mulgiras tenure;

(*5*) all the lands in mulgiras villages and all mulgiras lands shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder.

Persons to be deemed as occupants.

4. (*i*) In a mulgiras village,—

(*a*) in the case of land held by a mulgirasia, such mulgirasia, and

(*b*) in the case of land held by a co-sharer of mulgirasia, such co-sharer, and

(*ii*) in the case of a mulgiras land, the mulgirasia or his co-sharer, holding such land,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

Compensation for the abolition of cash ***haks***.

5. Where a mulgirasia was receiving any cash ***hak***, a sum equal to seven times the amount of cash ***hak*** due to him for the year immediately preceding the date on which this Act comes into force shall be paid to him as compensation in consideration of the extinguishment of his right to receive such cash ***hak***.

All public roads, etc., situate in mulgiras villages or lands to vest in Government.

6. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes), which are situate within the limits of any mulgiras village or mulgiras land shall, except in so far as any rights of any person other than the mulgirasia may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by a mulgirasia in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the date on which this Act comes into force.

Right to trees.

7. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in a mulgiras village or mulgiras land. XVI of 1927. XVI of 1927.

Compensation to mulgirasias for extinguishment of rights under section 6.

8. (*1*) Any mulgirasia having any rights or interest in the property referred to in section 6 shall be entitled to compensation in the manner provided in the following paragraphs, namely :—

(*a*) within a period of twelve months from the date on which this Act comes into force, the mulgirasia shall apply in writing to the Collector stating the nature of his right, the grounds of his claim and the amount of compensation claimed by him for the extinguishment of his rights;

(*b*) the Collector shall hold a formal inquiry in the manner provided in the Code and if the Collector is satisfied that the applicant had any rights in the land and that such rights have been extinguished under section 6, shall make an award in the manner prescribed in section 11 of the Land Acquisition Act, 1894, subject to the following conditions, namely :—

I of 1894.

(*i*) if the property acquired is waste or uncultivated but is cultivable lan the amount of compensation shall not exceed three times the assessment the land :

Provided that if the land has not been assessed, the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property is land over which the public has been enjoying or acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be ;

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as such provisions may be applicable.

I of 1894.

(*2*) Every award made under sub-section (*1*) shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act, shall, so far as may be, apply to the making of such award.

I of 1894.

Appeal against Collector's award.

9. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

10. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding appeals under this Act, the Bombay Revenue Tribunal shall exercise all the powers which a Court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

11. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court fees.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award and decision of Revenue Tribunal.

13. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive.

Inquiries and proceedings to be judicial proceedings.

14. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Method of compensation for the extinguishment or modification of any other rights.

15. (*1*) If any person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in any land other than those in respect of which provision for the payment of compensation has been made under section 8 and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of twelve months from the date on which this Act comes into force.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided in the Code, make an award deciding such amount of compensation as he deems reasonable and adequate. In deciding the amount of compensation, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*3*) An appeal shall lie from the said award to the Bombay Revenue Tribunal.

(*4*) The provisions of sections 8 to 14 (both inclusive) shall, so far as may be, apply to the proceedings in respect of such award or appeal, as the case may be.

(*5*) Nothing in this section shall entitle any person to compensation on the ground that any mulgiras village or mulgiras land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

Amount of compensation to be payable in transferable bonds.

16. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenant in mulgiras villages and lands.

17. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any mulgiras village or a mulgiras land or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

18. (*1*) The State Government may, by notification published in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for the following matters :—

(*a*) the value of court-fee stamp payable on an appeal to the Bombay Revenue Tribunal under section 12 ;

(*b*) the denominations and forms of transferable bonds and the intervals at which interest shall be payable thereon under section 16 ;

(*c*) any other matter which is to be or may be prescribed under this Act.

(*3*) Rules made under this section shall be subject to the condition of previous publication.

Repeal.

19. (*1*) The Amreli District Mulgirasias (Adoption and Mutation) Rules, 1937, of the former Baroda State are hereby repealed.

(*2*) Any other law so far as it regulated mulgiras tenure immediately before the coming into force of this Act shall cease to apply to mulgiras tenure.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall affect,—

(*a*) any obligation or liability already incurred before the coming into force of this Act ;

(*b*) any proceeding in respect of such obligation or liability ;

and any such proceeding may be continued as if this Act had not been passed.

SCHEDULE.

[Section 2 (*1*) (*viii*).]

Mulgiras villages in the district of Amreli.

	Taluka.	Name of the village.
1.	Dhari	Ingorala
2.	Do.	Chachai
3.	Do.	Kotda
4.	Do.	Pania
5.	Do.	Zar
6.	Do.	Mithapur
7.	Amreli	Timbla
8.	Do.	Nana Mandawada
9.	Do.	Piplag
10.	Damnagar Mahal	Monpur

THE BOMBAY MERGED TERRITORIES (BARODA WATAN ABOLITION) ACT, 1953.

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1. Short title, extent and commencement.
2. Definitions.
3. Abolition of watans.
4. Holder of watan land to be occupant.
5. Compensation for the commutation of cash allowance.
6. Commutation of watan consisting of whole or part of land revenue.
7. Application of Bom. LXVII of 1948 to lands lawfully leased.
8. Method of compensation for abolition of other rights.
9. Court fees.
10. Finality of award of Collector and decision of Revenue Tribunal.
11. Inquiries and proceedings to be judicial proceedings.
12. Amount of compensation to be payable in transferable bonds.
13. Rules.
14. Repeal.

BOMBAY ACT No. XLVI OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (BARODA WATAN ABOLITION) ACT, 1953.]

[*24th June 1953*]

Amended by Bom. 31 of 1955.

An Act to abolish watans in the merged territories of the former State of Baroda.

WHEREAS it is expedient to abolish all watans settled under the Baroda Watan Rules in the merged territories of the former State of Baroda and to provide for certain consequential and incidental matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.

(*2*) It extends to the merged territories of the former State of Baroda included in the districts of Surat, Broach, Baroda, Panch Mahals, Kaira, Ahmedabad, Sabar Kantha, Mehsana, Banas Kantha and Amreli.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the sujbect or context,—

(*i*) "Baroda Watan Rules" means the Watan Rules of 1932 of the former State of Baroda as in force immediately before the 30th July 1949 ;

(*ii*) "cash allowance" means a grant in cash received by a watandar as watan under the Baroda Watan Rules and includes a maintenance allowance payable to a sub-sharer or a female member of a watandar's family under the said Rules ;

Bom. V of 1879.

(*iii*) "Code" means the Bombay Land Revenue Code, 1879 ;

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exorcise the powers of the Collector under this Act ;

(*v*) "prescribed" means prescribed by rules made under this Act ;

(*vi*) "watan" means a watan governed by the Baroda Watan Rules ;

(*vii*) "watandar" means a person in whose name a watan is registered under the Baroda Watan Rules and includes a co-sharer of such watandar recognised under the said Rules ;

(*viii*) "watan land" or "watan village" means a land or village held by a watandar as a watan.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 171.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

(*3*) References in this Act to the provisions of the Baroda Watan Rules and the incidents of watans shall, notwithstanding the repeal of the said Rules and abolition of the said watans by this Act, be construed as references to the said provisions and incidents as they were in force immediately before this Act comes into force.

Abolition of watans.

3. With effect from and on the date on which this Act comes into force—

(*1*) all watans in the merged territories of the former State of Baroda shall be deemed to have been abolished ;

(*2*) save as expressly provided by his Act, all incidents of the said watans shall be deemed to have been extinguished ;

(*3*) subject to the provisions of section 4, all watan land and watan villages are hereby resumed and shall be deemed to be subject to the payment of land revenue under the provisions of the Code and the rules made thereunder as if such land and villages were unalienated :

Provided that such resumption shall not affect the validity of any alienation of any watan land if such land has been validly alienated under the provisions of the Baroda Watan Rules or the rights of an alienee thereof or any person claiming under or through him.

Holder of watan land to be occupant

4. (*1*) A watan land resumed under the provisions of this Act shall be regranted to the holder thereof on payment of the occupancy price equal to six times of the amount of the full assessment of such land within [1][five years] from the date of the coming into force of this Act and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; and all the provisions of the Code and rules made thereunder relating to unalienated land shall, subject to the provisions of this Act, apply to the said land :

Provided that if the holder fails to pay the occupancy price within the period of [1][five years] as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

(*2*) The occupancy of the land regranted under sub-section (*1*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may, by general or special order, determine.

Explanation.—For the purpose of this section the expression " holder " shall include—

(*i*) a watandar holding a watan land as watan for the time being ; and

[1] These words were substituted for the words " two years " by Bom. 31 of 1955, s. 2.

(*ii*) where a watan land has been validly alienated under the Baroda Watan Rules, the alienee of such land or a person claiming under or through such alienee.

(*3*) Nothing in sub-section (*2*) shall apply to a watan land which has been validly alienated under the Baroda Watan Rules.

(*4*) Nothing in this section shall apply to a watan land or village in respect of which the watan property consists of the whole or a part of the land revenue of such land or village.

Compensation for the commutation of cash allowance.

5. (*1*) Where the watan consists of a cash allowance the holder thereof shall be paid a sum equal to—

(*a*) five times of the amount of such cash allowance, if the watan was recognised as hereditary before the date of the coming into force of this Act; and

(*b*) three times of the amount of such cash allowance, if the watan was recognised as granted only for the life-time of the holder before the date of the coming into force of this Act.

(*2*) For the purposes of this section, the amount of cash allowance shall be the amount paid or payable to the holder for the year immediately preceding the date on which this Act comes into force.

Commutation of watan consisting of whole or part of land revenue.

6. In the case of any land or village, in respect of which the watan property consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the watandar as compensation.

Application of Bom. LXVII of 1948 to lands lawfully leased.

7. If any watan land has been lawfully leased and such lease is subsisting on the date on which this Act comes into force, the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, shall apply to the said lease and the rights and liabilities of the holder of such land and his tenant or tenants shall, subject to the provisions of this Act, be governed by the provisions of the said Act.

Bom. LXVII of 1948.

Explanation.—For the purposes of this section the expression "land" shall have the same meaning as is assigned to it in the Bombay Tenancy and Agricultural Lands Act, 1948.

Bom. LXVII of 1948

Method of compensation for abolition of other rights.

8. (*1*) Any person aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to or interest in property may, if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in the prescribed form within six months from the date on which this Act comes into force. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) In determining the amount of compensation the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*4*) Nothing in this section shall entitle any person to compensation on the ground that any watan land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act subjected to the payment of full assessment in accordance with the provisions of the Code.

(*5*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award. Bom. XII of 1939.

(*6*) In deciding appeals under sub-section (*5*) the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which the court follows in deciding appeals from a decree or order of an original court under the Code of Civil Procedure, 1908. V of 1908.

(*7*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section. IX of 1908.

Court fees.

9. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Finality of award of Collector and decision of Revenue Tribunal.

10. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any court.

Inquiries and proceedings to be judicial proceedings.

11. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Amount of compensation to be payable in transferable bonds.

12. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Repeal.

14. The Baroda Watan Rules are hereby repealed:

Provided that the repeal of the said Rules shall not be deemed to affect—

(*a*) any obligation or liability already incurred or accrued before the date of the commencement of this Act;

(*b*) any proceeding in respect of such obligation or liability;

and any such proceeding may be continued, as if this Act had not been passed.

THE BOMBAY SALES OF INTOXICANTS TAXATION ACT, 1953

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SCHEDULE.

BOMBAY ACT No. XLVII OF 1953.[1]

[THE BOMBAY SALES OF INTOXICANTS TAXATION ACT, 1953.]

[*23rd July 1953*]

Amended by Bom. 52 of 1953.
" " " 21 of 1954.

An Act to provide for the levy of a tax on the sales of intoxicants in the State of Bombay.

WHEREAS it is expedient to provide for the levy of a tax on the sales of intoxicants in the State of Bombay; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Sales of Intoxicants Taxation Act, 1953.

(*2*) It shall extend to the whole of the State of Bombay.

[2][(*3*) This section shall come into force at once. The State Government may, by notification in the *Official Gazette*, direct that the remaining provisions of this Act shall come into force in respect of such intoxicants specified in column 1 of the Schedule and on such date as may be specified in the notification.]

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " asava or arishta " means a medicinal preparation in liquid form which contains alcohol generated by a process of fermentation and which is prepared in accordance with the Ayurvedic system of medicine;

Bom. III of 1953.

(*2*) " Collector " means the Collector of Sales Tax appointed under the Bombay Sales Tax Act, 1953;

(*3*) " country liquor " means all liquor, other than foreign liquor, produced or manufactured in India;

(*4*) " duty paid foreign liquor " means foreign liquor on which,—

XXXII of 1934. VIII of 1878.

(*i*) duty leviable under the Indian Tariff Act, 1934, or the Sea Customs Act, 1878, or

Bom. XXV of 1949.

(*ii*) the excise or countervailing duty under the Bombay Prohibition Act, 1949,

has been paid and includes foreign liquor which is exempted from such duty;

(*5*) " fermented liquor " means ale, beer, milk stout, stout (porter) and cider and such other fermented liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act;

(*6*) " foreign liquor " means duty-paid potable foreign liquor brought into India by sea, air or land and includes spirits, wines and fermented liquors :

Provided that the State Government may, by notification in the *Official Gazette*, declare that any specified kind of country liquor shall, for the purposes of this Act, be deemed to be foreign liquor;

(*7*) " hemp drugs" means ganja and bhang;

(*8*) " intoxicant " means foreign liquor, country liquor, spirituous medicinal preparation, non-potable liquor, opium and hemp drugs;

(*9*) " licence " means a licence granted or renewed under this Act;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 319.
[2] This sub-section was substituted for the original by Bom. 52 of 1953, s. 2.

(*10*) "medicated or tonic wine" means a mixture or compound of any wine with medicinal substances, whether the wine is fortified with spirit or not and which is a "drug" as defined in the Drugs Act, 1940; XXII of 1940.

(*11*) "non-potable liquor" means,—

(*a*) rectified spirit,

(*b*) denatured spirit,

(*c*) methyl alcohol,

(*d*) higher alcohols, that is, amyl alcohol, butyl alcohol, capryl alcohol, propyl alcohol and fusel oil,

(*e*) any other non-potable liquor which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act:

(*12*) "opium" means,—

(*a*) the capsules of poppy (*Papaver Somniforum L.*),

(*b*) the spontaneously coagulated juice of such capsules which has not been submitted to any manipulations other than those necessary for packing and transport, and

(*c*) any mixture with or without neutral materials of any of the abov forms of opium;

(*13*) "prescribed" means prescribed by rules;

(*14*) "rules" means rules made under this Act;

(*15*) "sale" means a sale of intoxicants made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or or fees or subscription; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly;

Explanation.—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930, the sale of any intoxicants which have actually been delivered in the State of Bombay as a direct result of such sale for the purpose of consumption in the said State shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the intoxicants has by reason of such sale, passed in another State. 1930.

(*16*) "Schedule" means the Schedule appended to this Act;

(*17*) "spirits" means brandy, whisky, rum, gin, liqueurs and milk punch and such other spirits which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act:

(*18*) "spirituous medicinal preparation" means any medicinal preparation in liquid form containing alcohol and includes a medicated or tonic wine, an Asava or Arishta;

(*19*) "State" means the State of Bombay.

(*20*) "warehouse" means any place where an intoxicant is manufactured, stored or kept for purposes other than private consumption;

(*21*) "wines" means champagne, moselle, burgundy, chianti, white wine clarets, hocks, reisling, madeira, ginger wine, port-type, port and vermouth sherry, and such other wines which the State Government may, by notification in the *Official Gazette*, declare as such for the purposes of this Act.

Levy of tax.

3. (*1*) There shall be levied and collected on the sale of the intoxicants specified in column 1 of the Schedule a tax at the rates specified against them in column 2 thereof:

Provided that such tax shall not be levied on its sale at more than one stage between its manufacture or import and its consumption.

Bom. III of 1953.

(*2*) The tax under sub-section (*1*) shall be paid in addition to the general tax payable under the Bombay Sales Tax Act, 1953.

Manner of levying tax.

4. (*1*) Subject to the provisions of section 5, the tax under section 3 shall be levied by the Collector at the prescribed time and in the prescribed manner.

(*2*) If the tax payable under section 3 is not paid in accordance with the provisions of sub-section (*2*) of section 9, the Collector may in lieu thereof recover any sum not exceeding double the amount of the tax so unpaid or any smaller sum above the amount of the tax which the Collector may think it reasonable to recover.

Assessment of tax.

5. (*1*) In cases where accounts are kept and maintained and statements submitted in the manner and within the period prescribed under section 9, the tax leviable under section 3 shall be assessed by the Collector on the sale price of the intoxicants sold as disclosed in such accounts and statements.

(*2*) In cases where no such accounts are kept and maintained or where no such statements are submitted or where such accounts or statements are in the opinion of the Collector false or incorrect, the Collector shall, after making such inquiry as he thinks fit, make the assessment which he considers proper and reasonable.

Person who sells intoxicants to take out licence.

6. (*1*) Every person who sells or carries on the business of selling any intoxicant shall obtain a licence from the Collector for the sale of the intoxicant.

(*2*) Where such person has more than one shop, warehouse or place of business, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each shop, warehouse or place of business.

(*3*) Every licensee shall get his licence renewed before the date on which it expires.

Explanation.—A person who sells or carries on the business of selling any intoxicant shall include a State Government which sells or carries on the business of selling any intoxicant.

Applicat for, and grant and renewal of, licence.

7. (*1*) An application for licence shall be made to the Collector in the prescribed manner not later than one calendar month before the date from which the licence is required.

(*2*) The Collector shall, after such inquiry as he considers necessary, if the application is in order and subject to the provisions of sub-section (*3*) of section 10, grant a licence which shall be in such form, for such term and subject to such conditions as may be prescribed:

Provided that where a licence or permit, under the Bombay Prohibition Act, 1949, is necessary for the possession or sale of any intoxicant, no licence shall be granted to any person under this Act, in respect of such intoxicant unless he holds the requisite licence or permit under the Bombay Prohibition Act, 1949. Bom. XXV of 1949. Bom. XXV of 1949.

(*3*) Any licence granted under this section may be renewed from time to time for such further term as may be prescribed, upon application made in the prescribed manner.

(*4*) The Collector may impose for the grant or renewal of every licence such fee not exceeding Rs. 5 as may be prescribed.

No person to sell without licence.

8. No person shall sell or carry on the business of selling any intoxicant without holding a licence under section 6.

Obligation to keep accounts and submit statements.

9. (*1*) Every person to whom sub-section (*1*) of section 6 applies shall keep and maintain accounts in the form prescribed of the sale price and quantity of intoxicants sold or purchased by him and shall submit to the officer authorised in this behalf by the Collector, statements in such form and by such dates as may be prescribed.

(*2*) Every person required to furnish any statement under sub-section (*1*) shall, before the date by which such statement is submitted in the prescribed manner, pay into a Government treasury or the Reserve Bank of India on Government account the full amount of the tax due from him under this Act according to such statement and shall furnish along with such statement, a receipt from such treasury or Bank, as the case may be, showing the payment of such amount.

Suspension or cancellation of licence.

10. (*1*) Subject to such conditions as may be prescribed, the Collector may suspend or cancel a licence given under section 6,—

(*a*) if any tax payable under section 3 is not duly paid by the holder of such licence ; or

(*b*) if there is any breach of any of the conditions subject to which the licence is granted ; or

(*c*) if the holder of such licence contravenes any of the provisions of this Act or the rules made thereunder ; or

(*d*) if the holder of such licence ceases to hold any permit or licence which is necessary under the Bombay Prohibition Act, 1949, for the possession or sale of any intoxicant in respect of which the licence under this Act has been granted. Bom. XXV of 1949.

(*2*) If the licence is suspended or cancelled for any reasons, the licensee shall not be entitled to any compensation for such suspension or cancellation or to the refund of any fee paid in respect thereof.

(*3*) Where a licence held by any person has been suspended or cancelled, or where any person fails to pay any tax payable by him under section 3 or is convicted of any offence punishable under this Act or the rules made thereunder, the Collector may refuse to grant a licence to such person or to any undivided Hindu family, firm, association or society of which such person is a member or partner, or to any person who has acquired the business of such person.

Production and inspection of accounts and documents and search of premises.

11. (*1*) The Collector may, for the purposes of this Act, at all reasonable times,—

(*a*) require any person, to whom sub-section (*1*) of section 6 applies, to produce before him accounts, registers or other documents or to furnish any other information, or

(*b*) inspect the accounts, registers and other documents and the stocks of any intoxicants stored or kept in any shop, warehouse or place of-business of any such person, or

(*c*) enter and search any building, vessel, vehicle or place in which he has reason to believe that an intoxicant is stored or kept for the purpose of its sale.

(*2*) If the Collector has reason to suspect that any person is attempting to commit an offence punishable under this Act, he may for reasons to be recorded in writing seize such accounts, registers or other documents of such person as may be necessary and shall grant a receipt for the same and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

Searches how made.

12. All searches made under section 11 shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898. V of 1898.

Power of investigation.

13. (*1*) The Collector and any person appointed to assist him who is empowered in this behalf by the State Government shall have the power to investigate all offences punishable under this Act.

(*2*) The Collector and every person so empowered shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon an officer in charge of a police station for the investigation of a cognizable offence. V of 1898.

Penalty for contraventions or requirements under various provisions of the Act.

14. [1]*Whoever,—

(*a*) contravenes the provisions of section 8, or

(*b*) fails, without sufficient cause, to keep or maintain accounts or to submit any statement as required by section 9 or knowingly keeps or maintains false accounts or submits false statement, or

(*c*) fails to comply with any requirement made of him under sub-section (*1*) of section 11, or

(*d*) knowingly produces false accounts, registers or documents, or knowingly furnishes false information, or

(*e*) obstructs any officer making an inspection, a search or a seizure under section 11, or

(*f*) aids or abets any person in the commission of any act specified in clauses (*a*) to (*e*) of this sub-section,

shall, in addition to the recovery of any tax that may be due from him, on conviction, be punished with simple imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both ; and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

[1] The brackets and figure "(*1*)" were deleted by Bom. 21 of 1954, First Schedule.

Offences to be bailable.

15. All offences punishable under this Act shall be bailable.

Jurisdiction to try offences.

16. No Magistrate, below the rank of a Presidency Magistrate or a Magistrate of the Second Class, shall try an offence under this Act.

Power to compound offences.

17. (*1*) The Collector may accept from any person who has committed an offence punishable under this Act or the rules made thereunder by way of composition of such offence, such sum of money as the Collector may fix, which shall not exceed,—

(*i*) a sum double the amount of the tax payable under section 3 in respect of any sales conducted by such person, or

(*ii*) one thousand rupees,

whichever is greater.

(*2*) On the payment of such sum to the Collector, the accused person shall be discharged and no further proceedings shall be taken against such person in respect of such offence.

Delegation of power by Collector.

18. Subject to the general or special orders of the State Government, the Collector may delegate any of the powers conferred upon him by or under this Act or the rules framed thereunder to any person appointed to assist him under the Bombay Sales Tax Act, 1953, not below the rank of a Sales Tax Officer (Junior). Bom III of 1953

Licence fee and other dues to be recoverable as arrears of land revenue.

19. All sums payable as taxes, fees or penalties under section 3, 4 or 7 shall be recoverable as arrears of land revenue.

Officers to be public servants.

20. All officers acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of person acting in good faith and limitation of suits and prosecutions.

21. (*1*) No suit, prosecution or other legal proceedings shall be instituted against any officer of Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

(*2*) No suit shall be instituted against the State and no prosecution or suit shall be instituted against any officer of Government in respect of anything done or intended to be done, under this Act unless the suit or prosecution ha been instituted within six months from the date of the act complained of

Appeal and revision

22. (*1*) Within sixty days of the making of any order under this Act, other than an order made by the Collector, any person aggrieved by such order may, in the prescribed manner, appeal to the prescribed authority against such order.

(*2*) Every order passed in appeal under this section shall, subject to the powers of revision conferred by sub-sections (*3*) and (*4*), be final.

(*3*) Subject to such rules as may be made in this behalf and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person to whom he has delegated any of his powers under section 18;

Provided that—

(*a*) no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order ;

(*b*) before rejecting any application for the revision of any such order, the Collector shall record reasons for such rejection ; and

(*c*) before any order is passed under this sub-section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(*4*) The State Government may, at any time, call for and examine the record of any order of, or the proceedings recorded by, any officer or person for the purpose of satisfying itself as to the legality or propriety of such order passed by, or as to the regularity of such proceedings of, such officer or person and may pass such order in reference thereto as it thinks fit.

Power of Government to exempt class of persons and any intoxicant from Act.

23. The State Government may, by rules made in this behalf, exempt any class of persons or any intoxicant from all or any of the provisions of this Act if the State Government is satisfied that in public interest such exemption is necessary.

Power of State Government to reduce rate of tax.

[1][**23A.** The State Government may, by notification in the *Official Gazette* reduce the rate of tax leviable on the sale of any intoxicant specified in column 1 of the Schedule.]

Power to make rules.

24. (*1*) The State Government may, for the purposes of carrying out the provisions of this Act, make rules.

(*2*) In particular and without prejudice to the generality of the foregoing provision, the State Government may make rules for the following matters, namely :—

(*a*) the stage and time at which and the manner in which the tax shall be levied under section 4 ;

(*b*) the manner of making an application, the form, term and conditions of licences under section 7, the term of renewal and the fees for the grant or renewal thereof ;

(*c*) the form of accounts to be maintained and of statements to be submitted, the dates by which and the manner in which such statements are to be submitted under section 9 ;

(*d*) the conditions subject to which a licence may be suspended or cancelled under section 10 ;

(*e*) the manner in which, and the authority to which, appeals against any order under this Act may be preferred under section 22 ;

(*f*) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under section 22 ;

(*g*) the conditions and restrictions subject to which any class of persons or any intoxicant may be exempted from all or any of the provisions of this Act under section 23 ;

(*h*) any other matter which is required to be or may be prescribed.

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[1] This section was inserted by Bom. 52 of 1953, s. 3.

(*3*) Any rule made under this section may provide that any person contravening any such rule shall be liable, on conviction, to be punished with a fine which may extend to one hundred rupees.

(*4*) Rules made under this section shall be subject to the condition of previous publication and shall be published in the *Official Gazette*.

Act and rules not to apply to certain sales or purchases.

25. Nothing in this Act or the rules made thereunder shall apply to any sale or purchase of any intoxicants or impose or authorise the imposition of a tax under this Act on any sale or purchase of any intoxicant, where such sale or purchase takes place—

(*a*) (*i*) outside the State ; or

(*ii*) in the course of the import of the intoxicants into the territory of India, or the export of the intoxicant out of such territory ; or

(*b*) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide,

and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purpose of clause (*a*) (*i*), a sale or purchase shall be deemed to have taken place in the State in which the intoxicant has actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the intoxicant has by reason of such sale or purchase passed in another State.

Non-application of Bombay Sales Tax Act, 1953, to intoxicants.

26. Nothing in the Bombay Sales Tax Act, 1953, in so far as it provides for the levy of special tax under the said Act shall apply to the sale or purchase of any intoxicant on the sale of which a tax is levied under this Act. Bom. III of 1953.

SCHEDULE.

(*See* section 3.)

	Name of Intoxicant.	Rate of tax.
	1	2
1	(*i*) Foreign liquor (*ii*) Country liquor.	... Six annas in the rupee of the sale price.
2.	Spirituous medicinal preparations.	Four annas in the rupee of the sale price.
3.	(*i*) Non-potable liquor (*ii*) Opium. (*iii*) Hemp drugs.	... One anna in the rupee of the sale price.

THE BOMBAY MERGED TERRITORIES MATADARI TENURE ABOLITION ACT, 1953.

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SCHEDULE.

BOMBAY ACT No. XLVIII OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES MATADARI TENURE ABOLITION ACT, 1953.]

[*26th August 1953*]

Amended by Bom. 66 of 1953.

An Act to abolish Matadari tenure prevailing in certain parts of the State of Bombay.

WHEREAS it is expedient to abolish the tenure on which certain Matadari Estates are held in the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby provided as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories Matadari Tenure Abolition Act, 1953.

(*2*) It extends to the merged territories of the former Bavishi, Vatrakkantha and Gadhwada Thanas which are included in the districts of Ahmedabad, Kaira and Sabarkantha.

(*3*) It shall come into force on such date as the State Government may by notification in the *Official Gazette* appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

(*i*) "Ankdo" means a lump sum paid annually by a Matadar to Government as revenues of a Matadari estate;

(*ii*) "Bhayati land" means the land assigned to a co-sharer of a Matadar;

(*iii*) "Code" means the Bombay Land Revenue Code, 1879; Bom. V of 1879.

(*iv*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*v*) "Gharkhed land" means the land held by a Matadar as his private or personal property;

(*vi*) "land register" means a register of lands in a village comprising a Matadari estate maintained in such village;

(*vii*) "Matadar" means the holder of a Matadari estate and includes his co-sharer;

(*viii*) "Matadari estate" means a Matadari estate specified in the Schedule appended to this Act;

(*ix*) "Matadari tenure" means a land tenure on which a Matadari estate is held by a Matadar;

(*x*) "prescribed" means prescribed by rules made under this Act;

(*xi*) "registered occupant" means a person whose name is entered in the land register as the holder of a Sarkari land;

(*xii*) "Sarkari land" means a land shown in the land register as "Sarkari".

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) Reference in this Act to the incidents of the Matadari tenure shall, notwithstanding the abolition of the said tenure by this Act, be construed as references to the incidents as they were in force immediately before this Act comes into force.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 39.

(*4*) If any question arises whether any land is Gharkhed, Bhayati or Sarkari, the State Government or any officer authorised by the State Government shall decide the question and his decision shall be final.

Abolition of Matadari tenure.

3. With effect from and on the date on which this Act comes into force—

(*1*) the Matadari tenure, wherever it prevails in the territory to which this Act extends, shall be deemed to have been abolished;

(*2*) save as expressly provided by this Act, all the incidents of the said tenure shall be deemed to have been extinguished;

(*3*) all the villages comprised in the Matadari estates are hereby resumed and all lands in such villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder:

Provided that nothing in this section shall be deemed to affect any *devasthan* inam or inams held for religious or charitable institutions.

Persons to be deemed as occupants.

4. (*1*) In a Matadari estate—

(*a*) in the case of Gharkhed land held by a Matadar, such Matadar;

(*b*) in the case of Bhayati land held by a co-sharer of a Matadar, such co-sharer; and

(*c*) in the case of Sarkari land, the registered occupant holding such land;

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

(*2*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under sub-section (*1*) shall be free from the liability for the payment of any amount in respect thereof to the Matadar as an incident of Matadari tenure and all the rights of a Matadar in his capacity as Matadar in such land shall be deemed to have been extinguished.

Uncultivated and waste lands and all property of the nature specified in section 37 of the Code vests in Government.

5. For the removal of doubt it is hereby declared that all uncultivated and waste lands whether assessed or unassessed in a Matadari estate and all other kinds of property referred to in section 37 of the Code situate in a Matadari estate, which are not the property of the individuals or of any aggregate persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are, together with all rights in and over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Method of compensation for the extinguishment or modification of rights of Matadars.

6. (*1*) If a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in a Matadari estate, he may apply to the Collector for compensation.

(*2*) Such application shall be made in the prescribed form within six months from the date on which this Act comes into force.

(*3*) The Collector shall, subject to the provisions of section 7, after holding a formal inquiry in the manner provided by the Code, determine the amount of such compensation and the apportionment, if necessary, among the co-sharers entitled to it and shall make an award accordingly.

(*4*) Subject to the provisions of section 10, the award of the Collector shall be final.

Amount of compensation.

7. (*1*) Where a Matadar was, as an incident of Matadari tenure, entitled to a portion of the revenues of the Matadari estate remaining after payment of the *Ankdo* to Government, the amount of compensation shall be three times the average of the amount of such portion proved to have been received by the Matadar during the five years immediately before the date on which this Act comes into force.

(*2*) Where a Matadar was receiving cash allowance for the collection of revenue of his Matadari estate, the amount of compensation shall be seven times the amount of cash allowance received by the Matadar for the year immediately preceding the date on which this Act comes into force.

Method of compensation for extinguishment or modification of rights of any other person.

8. (*1*) If any person other than a Matadar is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights in land and if such person proves that such extinguishment or modification amounts to the transference to public ownership of such land or any right in or over such land, such person may apply to the Collector for compensation within a period of six months from the date on which this Act comes into force.

(*2*) The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining such amount of compensation as he deems reasonable and adequate.

(*3*) Subject to the provisions of section 10, the award of the Collector shall be final.

In determining compensation, sections 23 and 24 of Act 1 of 1894 to be applicable.

9. In determining the amount of compensation under section 6 or 8, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

Appeals against award.

10. (*1*) Any person aggrieved by the award of the Collector made under section 6 or 8 may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*2*) In deciding an appeal under sub-section (*1*), the Bombay Revenue Tribunal shall exercise all the powers which a court has and follow the same procedure which a court follows in deciding appeals from the decree or order of an original court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation for appeals.

11. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court Fees.

12. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed. VII of 1870.

Amount of compensation payable in transferable bonds.

[1][13. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.]

Provisions of Bom. LXVII of 1948 to govern relations of landlord and tenant in Matadari village.

14. Nothing in this Act shall, in any way, be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any of the lands comprised in any Matadari estate, or the mutual rights and obligation of a landlord and his tenant in respect of such lands, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

15. The State Government may make rules for the purpose of carrying out the provisions of this Act. Such rules shall be subject to the condition of previous publication and shall, when finally made, be published in the *Official Gazette*.

Saving.

16. Nothing contained in this Act shall affect—

(*1*) any obligation or liability already incurred under an incident of Matadari tenure before the date on which this Act comes into force ; or

(*2*) any proceeding or remedy in respect of any such obligation or liability and any such proceeding or remedy may be instituted, continued or enforced, as if this Act had not been passed.

SCHEDULE.

(*See* SECTION 2.)

Serial No.	Name of the Matadari Estate.	District.
1	Harakhji-na-Muada	Ahmedabad.
2	Amraji-na-Muada	Do.
3	Vatva	Do.
4	Bardoli	Do.
5	Harsoli	Do.
6	Palundra	Do.
7	Dabhoda	Do.
8	Vadodra	Do.
9	Salki	Do.

[1] This section was substituted for the original by Bom. 66 of 1953, s. 2.

SCHEDULE—*contd.*

Serial No.	Name of the Matadari Estate.	District.
10	Anguthla	Ahmedabad.
11	Khanpur	Do.
12	Rakhial	Do.
13	Sametri	Do.
14	Kalyanji-na-Muada	Do.
15	Sahebji-na-Muada	Do.
16	Kadjedra	Do.
17	Lihoda	Do.
18	Siawada	Do.
19	Lawad	Do.
20	Ged	Sabar Kantha.
21	Morwad	Do.
22	Polajpur	Do.
23	Chandap	Do.
24	Gazipur	Do.
25	Barmuada	Kaira.
26	Nirmali	Do.
27	Zer	Do.
28	Kaprupur	Do.
29	Mahisa	Do.
30	Porda	Do.
31	Dana	Do.

THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Definitions.
3. Holder to deliver land records to State Government.
4. Power to make searches.
5. Offence and penalty.
6. Rules.

SCHEDULE.

BOMBAY ACT No. L OF 1953.[1]

[THE BOMBAY LAND TENURES ABOLITION (RECOVERY OF RECORDS) ACT, 1953.]

[*7th October 1953*]

Amended by Bom. 52 of 1954.

An Act to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay.

WHEREAS it is expedient to provide for taking over records maintained by the holders of lands or villages held on tenures which have been abolished by certain enactments in the State of Bombay; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(*1*) "holder" means—
(*a*) a taluqdar,
(*b*) a watandar,
(*c*) a vazifdar,
(*d*) an estate-holder,
(*e*) a mulgirasia,
(*f*) an ankadedar,
[2][(*g*) a kaul-holder,
(*h*) an inamdar, or
(*i*) a matadar,]

as defined or referred to in the respective Land Tenure Abolition Acts and includes his heirs, assigns and legal representatives and also a person who for the time being is in possession of any land records on behalf of such holder;

(*2*) "Land Tenure Abolition Act" means an Act specified in the Schedule to this Act;

(*3*) "land records" means records maintained by a holder in respect of the land or village held by him at any time before the abolition of the tenure on which such land or village was held;

(*4*) "prescribed" means prescribed by rules made under this Act.

Holder to deliver land records to State Government.

3. It shall be the duty of every holder to deliver, in the prescribed manner, [3][within two months from such date as the State Government may, by notification in the *Official Gazette*, specify in this behalf] all land records in his possession to the Collector or to such officer as may be appointed by the State Government in this behalf:

Provided that in the case of any holder, the Collector or the officer, as the case may be, may, for sufficient reasons, extend such period by a further period not exceeding two months.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 435.

[2] These sub-clauses were substituted for clauses (*g*) and (*h*) by Bom. 52 of 1954, s. 2.

[3] These words were substituted for the words "within two months from the date of the commencement of this Act", *ibid.*, s. 3.

Power to make searches.

4. If the Collector or the officer appointed under section 3 has reason to believe that any holder is not likely to deliver the land records as required by section 3 or is likely to destroy them or tamper with them, he may, for the purpose of recovering such records, issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a magistrate under the provisions of Chapter VII of the Code of Criminal Procedure, 1898. V of 1898.

Offence and penalty.

5. If a holder fails to deliver land records in accordance with the provisions of section 3, he shall, on conviction, be punished with fine which may extend to two hundred rupees. In the case of a continuing failure to deliver land records, the holder shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Rules.

6. The State Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

SCHEDULE.

(*See* section 2.)

1. The Bombay Taluqdari Tenure Abolition Act, 1949 (Bom. LXII of 1949).

2. The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950 (Bom. LX of 1950).

3. The Bombay Watwa Vazifdari Rights Abolition Act, 1950 (Bom LXII of 1950).

4. The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951 (Bom. XLVII of 1951).

5. The Bombay Personal Inams Abolition Act, 1952 (Bom. XLII of 1953).

6. The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953 (Bom. XLIII of 1953).

7. The Bombay Kauli and Katuban Tenures (Abolition) Act, 1953 (Bom. XLIV of 1953).

8. The Bombay Merged Territories (Baroda Mulgiras Tenure Abolition) Act, 1953 (Bom. XLV of 1953).

9. The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953 (Bom. XLVI of 1953).

[1][10. The Bombay Merged Territories Matadari Tenure Abolition Act, 1953 (Bom. XLVIII of 1953).]

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[1] This entry was added by Bom. 52 of 1954, s. 4.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 7,17,77,333 out of the consolidated fund of the State of Bombay for the year 1953-54.

3 Appropriation.

SCHEDULE.

BOMBAY ACT No. LI OF 1953.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1953.]

[*14th October 1953*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1953. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 7,17,77,333 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 7,17,77,333 out of the Consolidated Fund of the State of Bombay for the year 1953-54.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954. Appropriation.

SCHEDULE.

(*See* Sections 2 and 3.)

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue ..	7–Land Revenue ..	60	55,120	55,180
2	State Excise ..	8–State Excise ..	....	625	625
3	Stamps ..	9–Stamps	10	....	10
4	Forest	10–Forest	20,560	....	20,560
5	Charges on account of Motor Vehicles Act.	12–Charges on account of Motor Vehicles Act.	6,66,920	....	6,66,920

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 508.

SCHEDULE—*contd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
6	Other Taxes and Duties ..	13-Other Taxes and Duties.	1,10,290	....	1,10,290
7	Irrigation (including Working expenses).	XVII-Deduct Working Expenses and 18 Other revenue expenditure financed from ordinary revenues.	67,40,036	....	67,40,036
8	Interest on Debt and Other Obligations.	22-Interest on Debt and other Obligation.	....	20,02,532	20,02,532
9	Appropriation for Reduction or Avoidance of Debt.	23-Appropriation for reduction or Avoidance of Debt.	....	16,50,886	16,50,886
10	General Administration ..	26-General Administration.	66,37,233	....	66,37,233
11	Administration of Justice	27-Administration of Justice.	50	....	50
12	Police	29-Police	8,263	....	8,263
13	Dangs District ...	33-A—Dangs District ..	10	....	10
14	Scientific Departments ...	36-Scientific Departments.	10	.....	10
15	Education ...	37-Education ...	16,50,351	.....	16,50,351
16	Medical	38-Medical ...	5,330	.....	5,330
17	Public Health ...	39-Public Health ...	92,030	.....	92 030
18	Agriculture	40-Agriculture ...	68,53,304	....	68,53,304
19	Industries	43-Industries ...	10	.....	10
20	Industrial Development ...	43-A—Capital Outlay on Industrial Development.	50,000	.....	50,000
21	Miscellaneous Departments (except labour).	47-Miscellaneous Department.	96,68,305	2,201	96,70,506
22	Labour	47 Miscellaneous Departments.	77,180	2,141	79,321
23	Civil Works	50-Civil Works ...	50,30,742	6,200	50,36,942

SCHEDULE—*contd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
24	Bombay Development Scheme.	51-Bombay Development Scheme.	78,570	.....	78,570
25	Other Revenue Expenditure connected with the Multi-purpose river Schemes.	51-B—Other Revenue Expenditure connected with the Multi-purpose river Schemes.	1,14,000	.....	1,14,000
26	Electricity Scheme ...	XII-Receipts from Electricity Schemes—Deduct—Working Expenses.	10	.....	10
27	Other Revenue Expenditure connected with Electricity Schemes.	52-A—Other Revenue Expenditure connected with Electricity Schemes.	10	.....	10
28	Stationery and Printing ...	56—Stationery and Printing.	20	.....	20
29	Miscellaneous ...	57—Miscellaneous ...	60,61,248	.....	60,61,248
30	Civil Defence ...	64-B—Civil Defence ...	18,784	.....	18,784
		Total expenditure on revenue account (including Revenue Expenditure and Capital expenditure within Revenue Account).	4,38,83,388	37,19,714	4,76,03,050
31	Irrigation ...	68—Construction of Irrigation, Embankment and Drainage Works.	10,80,010	.....	10,80,010
32	Industrial Development ...	72—Capital Outlay on Industrial Development.	1,18,56,156	.....	1,18,56,156
	Civil Works ...	81—Capital Account of Civil Works outside the Revenue Account.	20	.....	20
	Housing for displaced persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	80	.....	80
25	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	60	.....	60
		Total Capital expenditure outside the Revenue Account.	1,29,36,326	.....	1,29,36,326

SCHEDULE—*concld.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3		4	
			Rs.	Rs.	Rs.
36	Permanent Debt ...	Permanent Debt ...	.....	12,00,000	12,00,000
37	Loans from the Central Government.	Loans from the Central Government.	.....	16,50,886	16,50,886
	Loans and Advances bearing Interest.	Loans and Advances by State Government.	83,87,071	.....	83,87,071
		Total disbursements under Debt Heads.	83,87,071	28,50,886	1,12,37,957
		Grand Total ...	6,52,06,733	65,70,600	7,17,77,333

THE BOMBAY KHAR LANDS (AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2 to 8. [*Amendments made by sections 2 to 8 (both inclusive) have been incorporated in the Bombay Khar Lands Act, 1948.*]

9. Amendment made by section 6 to have retrospective effect.

BOMBAY ACT No. LIV OF 1953.[1]

[THE BOMBAY KHAR LANDS (AMENDMENT) ACT, 1953.]

[*20th October 1953*]

An Act to amend the Bombay Khar Lands Act, 1948.

Bom. LXXII of 1948.

WHEREAS it is expedient to amend the Bombay Khar Lands Act, 1948, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Khar Lands (Amendment) Act, 1953. Short title.

2-8. [*Amendments made by sections 2 to 8 both inclusive have been incorporated in the Bombay Khar Lands Act, 1948.*]

9. The provisions of Rule 2 in sub-section (*1*) of section 25 of the said Act as substituted by section 6 of this Act, shall apply and shall be deemed to have applied in respect of all schemes sanctioned by the State Government under sub-section (*2*) of section 15 of the said Act on or after the 11th day of December 1952. Amendment made by section 6 to have retrospective effect.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, page 371.

THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE

SECTIONS

1. Short title.
2. Amendment of section 3 of Act XXXIII of 1920.
3. Insertion of new section 4A in Act XXXIII of 1920.
4. Amendment of section 8 of Act XXXIII of 1920.

BOMBAY ACT No. LVIII OF 1953.[1]

[THE IDENTIFICATION OF PRISONERS (BOMBAY AMENDMENT) ACT, 1953.]

[*2nd November 1953*]

An Act to amend the Identification of Prisoners Act, 1920, in its application to the State of Bombay.

XXXIII of 1920. WHEREAS it is expedient to amend the Identification of Prisoners Act, 1920, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Identification of Prisoners (Bombay Amendment) Act, 1953.

Amendment of section 3 of Act XXXIII of 1920. **2.** In section 3 of the Identification of Prisoners Act, 1920, in its application to the State of Bombay (hereinafter referred to as the said Act), in clause (*b*), the following shall be added at the end, namely :—

Bom. XXV of 1949. "or under section 93 of the Bombay Prohibition Act, 1949."

Insertion of new section 4A in Act XXXIII of 1920. **3.** After section 4 of the said Act, the following section shall be inserted, namely :—

Taking of measurements, etc., of habitual offenders against whom restriction order is made. "4A. Any person against whom an order of restriction has been made under the provisions of the Bombay Habitual Offenders Restriction Act, 1947, shall, if so required, allow his measurements and photographs to be taken by a police officer in the prescribed manner."

Bom. LI of 1947.

Amendment of section 8 of Act XXXIII of 1920. **4.** In section 8 of the said Act, in clause (*e*) of sub-section (*2*), for the words and figure "under section 3" the words "in accordance with the provisions of this Act" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 388.

THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Amendment of section 47 of Act XV of 1882.

BOMBAY ACT No. LIX OF 1953.[1]

[THE PRESIDENCY SMALL CAUSE COURTS (BOMBAY AMENDMENT) ACT, 1953.]

[*10th November 1953*]

An Act to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay.

XV of 1882.

WHEREAS it is expedient to amend the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Presidency Small Cause Courts (Bombay Amendment) Act, 1953.

XV of 1882.

Amendment of section 47 of Act XV of 1882.

2. In section 47 of the Presidency Small Cause Courts Act, 1882, for the words "the occupant binds himself" the words "the occupant, at the earliest opportunity, and in any event before filing any statement of defence, binds himself" shall be substituted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 402.

THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Amendment of section 3 of Act IV of 1936.
3. Amendment of section 6 of Act IV of 1936.
4. Amendment of section 15 of Act IV of 1936.
5. Insertion of new section 15A in Act IV of 1936.
6. Amendment of section 17 of Act IV of 1936.
7. Amendment of section 20 of Act IV of 1936.
8. Amendment of section 21 of Act IV of 1936.
9. Amendment of section 26 of Act IV of 1936.

BOMBAY ACT No. LXII OF 1953.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1953.

[*27th November 1953*]

An Act to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient to amend the Payment of Wages Act, 1936, in its application to the State of Bombay; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Wages (Bombay Amendment) Act, 1953.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 3 of Act IV of 1936.

IV of 1936. **2.** In section 3 of the Payment of Wages Act, 1936 (hereinafter referred to as the said Act), for the proviso the following shall be substituted, namely :—

"Provided that, in the case of persons employed (otherwise than by a contractor)—

(*a*) in factories, if a person has been named as the manager of the factory under clause (*f*) of sub-section (*1*) of section 7 of the Factories Act, 1948, then the person so named and the employer jointly and severally;

LXIII of 1948.

(*b*) in industrial establishments, if there is a person responsible to the employer for the supervision and control of the industrial establishment, then the person so responsible and the employer jointly and severally;

(*c*) upon railways (otherwise than in factories), if the employer is the railway administration and the railway administration has nominated a person in this behalf for the local area concerned, then the person so nominated;

shall be responsible for such payment."

Amendment of section 6 of Act IV of 1936.

3. In section 6 of the said Act, the following proviso shall be added, namely :—

"Provided that when the amount of any bonus payable to an employed person exceeds an amount equal to one-fourth of his earnings (exclusive of dearness allowance) for the year to which the bonus relates, such excess shall be paid or invested in the manner prescribed."

Amendment of section 15 of Act IV of 1936.

4. In section 15 of the said Act,—

(*1*) in sub-section (*1*), after the words "Civil Court" the words and figures "or of a Labour Court constituted under the Bombay Industrial Relations Act, 1946," shall be inserted;

Bom. XI of 1947.

(*2*) in sub-section (*2*), in both the provisos, for the words "six months" the words "one year" shall be substituted;

(*3*) in sub-section (*3*), for the words "ten rupees" the words "twenty-five rupees" shall be substituted;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 351-352.

(*4*) after sub-section (*3*) the following shall be inserted, namely :—

"(*3A*) Where at any stage of an application under sub-section (*2*) the authority, upon report made to it and after hearing such employer or other person is satisfied that it is necessary so to do in order that the satisfaction of any direction that may be given under sub-section (*3*) is not delayed or defeated, the authority may order the conditional attachment of the property which may be liable for the satisfaction of such direction, unless such employer or other person either deposits with the authority an adequate sum sufficient to satisfy the claim or gives security for a like amount.

An attachment made under this sub-section shall have the same effect as if made by a competent Civil Court." ;

(*5*) for sub-section (*4*), the following shall be substituted, namely :—

"(*4*) If the authority hearing any application under this section is satisfied,—

(*i*) that the application was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application ; or

(*ii*) that, in any case in which compensation is directed to be paid under sub-section (*3*), the applicant ought not to have been compelled to seek redress under this section, the authority may direct that a penalty not exceeding fifty rupees be also paid by the employer or other person responsible for the payment of wages. The amount of such penalty when paid or recovered shall be credited to the State Government."

Insertion of new section 15A in Act IV of 1936.

5. After section 15 of the said Act, the following section shall be inserted, namely :—

Liability for payment of court-fees.

"15A. (*1*) In any proceedings under section 15, the applicant shall not be liable to pay any court-fees (other than fees payable for service of process) in respect of such proceedings :

Provided that when the application is presented by an Inspector he shall not be liable to pay the process fees also.

(*2*) Where the applicant succeeds in such proceedings, the authority hearing the application shall calculate the amount of court-fees which would have been payable by the applicant but for sub-section (*1*) and direct the employer or other person responsible for the payment of wages under section 3 to pay such amount to the State Government. Such amount shall, without prejudice to any other mode of recovery, be recoverable as an arrear of land revenue."

Amendment of section 17 of Act IV of 1936.

6. In section 17 of the said Act,—

(*1*) to sub-section (*1*), the following proviso shall be added, namely :—

"Provided that no appeal by an employer or other person responsible for the payment of wages under section 3, under clause (*a*) shall lie unless the memorandum of appeal is accompanied by a certificate by the authority to the effect that the appellant has deposited with it the amount payable under the order appealed against."

(*2*) in sub-section (*2*), after the brackets and figure "(*4*)" the words, brackets figure and letter ", or any order made under sub-section (*3A*)" shall be inserted ;

(*3*) after sub-section (*2*), the following sub-section shall be added, namely :—

IX of 1908. "(*3*) The provisions of section 5 of the Indian Limitation Act, 1908, shall be applicable to appeals under this section."

Amendment of section 20 of Act IV of 1936.

7. In section 20 of the said Act, in sub-section (*1*), for the words "five hundred rupees" the words "two thousand rupees" shall be substituted.

Amendment of section 21 of Act IV of 1936.

8. In section 21 of the said Act,—

(*1*) in sub-section (*1*), for the words "and the authority empowered under the latter section or the appellate Court granting such application" the words "by the authority or the appellate Court and the State Government or any officer authorised by it in this behalf" shall be substituted ;

(*2*) in sub-section (*2*),—

(*i*) for the words and figures "the authority empowered under section 15 or the appellate Court," the words "the State Government or the officer authorised by it in this behalf," shall be substituted ;

(*ii*) for the words "the authority or Court" the words "the State Government or the authorised officer" shall be substituted.

Amendment of section 26 of Act IV of 1936.

9. In section 26 of the said Act, in sub-section (*3*),—

(*1*) after clause (*d*) the following shall be inserted, namely :—

"(*da*) prescribing the manner in which the excess amount of the bonus shall be paid or invested under section 6 ;"

(*2*) in clause (*k*),—

(*a*) for the word "court-fees" the words "*ad valorem* or fixed court-fees" shall be substituted ;

(*b*) the word "and" shall be deleted.

THE BOMBAY KHOTI ABOLITION (AMENDMENT) ACT, 1953.

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PREAMBLE.

SECTIONS.

1. Short title.

2. [*Amendment made by section 2 has been incorporated in the Bombay Khoti Abolition Act, 1949.*]

3. Amendment made by section 2 to have retrospective effect.

BOMBAY ACT No. LXV OF 1953.[1]

[THE BOMBAY KHOTI ABOLITION (AMENDMENT) ACT, 1953.]

[*27th November 1953*]

An Act to amend the Bombay Khoti Abolition Act, 1949.

Bom. VI of 1950. WHEREAS it is expedient to amend the Bombay Khoti Abolition Act, 1949, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title

1. This Act may be called the Bombay Khoti Abolition (Amendment) Act, 1953.

2. [*Amendment made by section 2 has*] *been incorporated in the Bombay Khoti Abolition Act, 1949.*]

Amendment made by section 2 to have retrospective effect

3. The amendment made by section 2 of this Act shall be deemed to have been made and come into force on the date on which the said Act came into force and shall always be deemed to have been made and in force from such date.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 510.

THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953.

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32. Rules and Regulations.

THE SCHEDULE.

BOMBAY ACT No. LXVIII OF 1953.[1]

[THE BOMBAY VETERINARY PRACTITIONERS ACT, 1953.]

[*8th December 1953*]

An Act to provide for the registration of veterinary practitioners in the State of Bombay.

WHEREAS it is expedient to provide for the registration of veterinary practitioners in the State of Bombay and for certain other purposes; It is hereby enacted as follows:—

PART I.

Introductory.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Veterinary Practitioners Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, direct.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Council" means the Bombay Veterinary Council established under section 3;

(*2*) "prescribed" means prescribed by rules;

(*3*) "President" means the President of the Council;

(*4*) "register" means the register of veterinary practitioners maintained under section 11;

(*5*) "registered veterinary practitioner" means a veterinary practitioner whose name is for the time being entered in the register;

(*6*) "Registrar" means the Registrar appointed under section 9;

(*7*) "Registration Officer" means the Registration Officer appointed under section 12;

(*8*) "Regulation" means a regulation made under section 32(*2*);

(*9*) "Rule" means a rule made under section 32(*1*);

(*10*) "Schedule" means the Schedule appended to this Act.

PART II.

Bombay Veterinary Council : establishment, constitution, meetings and proceedings.

Establishment and constitution of Council

3. (*1*) The State Government shall, as soon as may be after the preparation of the first register, by notification in the *Official Gazette* establish a Council to be called the Bombay Veterinary Council.

(*2*) The Council shall consist of the following members, namely:—

(*a*) the Director of Veterinary Services, Bombay State, *ex-officio*;

(*b*) two members to be elected by registered veterinary practitioners from amongst themselves;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 398.

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(*c*) one member from each university in the State in which provision is made for instruction, teaching or training in veterinary science, to be elected by members of the Senate or the Court of the University, as the case may be, from amongst themselves ;

(*d*) one member to be elected by the members of the Bombay Legislative Assembly from amongst themselves ;

(*e*) members not exceeding two in number, if any be nominated by the State Government.

(*3*) The Director of Veterinary Services, Bombay State, shall be the President of the Council.

Nomination of member in default of election.

4. If any of the members is not elected under clause (*b*) of sub-section (*2*) of section 3, then the State Government may, notwithstanding anything contained in sub-section (*2*) of the said section, nominate such member to represent the registered veterinary practitioners and the member so nominated shall for the purposes of the Act be deemed to have been duly elected under clause (*b*) of sub-section (*2*) of section 3.

Election of members.

5. The election of the veterinary practitioners under clause (*b*) of sub-section (*2*) of section 3 shall be held at such time and place and in such manner as the Council may by regulations provide in this behalf:

Provided that the first election of such members shall be held at such time and place and in such manner as the State Government may, by notification in the *Official Gazette*, determine in this behalf.

Tenure of office.

6. (*1*) The members of the Council, other than the President, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated, whichever is longer, and shall be eligible for re-election or re-nomination, as the case may be :

Provided that a member elected under clause (*c*) or (*d*) of sub-section (*2*) of section 3 shall hold office only so long as he is a member of the Senate or the Court of the University or of the Bombay Legislative Assembly, as the case may be.

(*2*) Any elected or nominated member may at any time resign his appointment by letter addressed to the President. Such resignation shall take effect from the date on which it is received by the President.

(*3*) If any vacancy occurs in the office of a member of the Council through death, resignation or otherwise previous to the expiry of the period of his office, the vacancy shall be filled in accordance with the provisions of sub-section (*2*) of section 3, and such person shall hold office for the remainder of the period for which the member in whose place he is appointed was elected or nominated.

(*4*) (*a*) Leave of absence may be granted by the Council to any member for a period not exceeding six months.

(*b*) Except in the case provided for in clause (*a*), if any member of the Council other than the President shall absent himself from three consecutive ordinary meetings of the Council, the Council may forthwith declare his seat vacant and such declaration shall have the same effect as resignation of his seat by the member concerned.

(*5*) No act of the Council shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Council or absence of any member on account of leave or otherwise.

Time and place of meeting of Council.

7. The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

Procedure at meetings of Council.

8. (*1*) The President shall preside at every meeting of the Council. In the absence of the President, the members present shall elect one from amongst themselves to preside.

(*2*) All questions at a meeting of the Council shall be decided by votes of the majority of the members present at the meeting. Three members shall form a quorum.

(*3*) At every meeting of the Council, the President for the time being shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of votes.

PART III.

Registrar and other officers and servants

Registrar and other officers.

9. The Deputy Director of Veterinary Services, Bombay State, *ex-officio*, or such other officer of the Veterinary Department as the State Government may specify, shall be the Registrar and shall be assisted by such officers and servants in his office as the State Government may determine in this behalf.

Payment of travelling expenses to members.

10. The members of the Council shall be paid travelling expenses at such rates and subject to such conditions as may be approved from time to time by the State Government.

PART IV.

Registration and powers and duties of the Council.

Register.

11. (*1*) The State Government shall, as soon as may be, cause to be prepared a register of veterinary practitioners of the State.

(*2*) The register shall be prepared and thereafter maintained in such form as the State Government may direct. The register shall contain the name, residence and qualification of every person registered under this Act, together with the date on which such qualification was acquired.

Preparation of first register.

12. (*1*) For the purposes of the preparation of the first register, the State Government may by notification in the *Official Gazette* appoint an officer as the Registration Officer.

(*2*) The State Government by the same or like notification shall appoint a date on or before which the application for registration shall be made to the Registration Officer.

(*3*) The Registration Officer shall examine every application received on or before the appointed date, and after making such enquiry in the prescribed manner, if he is satisfied that the applicant is qualified for registration under section 14, shall direct the entry of the name of the applicant in the register.

(*4*) The register so prepared shall thereafter be published in such manner as the State Government may direct.

Custody and maintenance of register.

13. (*1*) Upon the constitution of the Council for the first time after the commencement of this Act, the register shall be given into its custody and the State Government shall direct that all or a specified part of the application fee for registration in the first register shall be paid to the credit of the Council. The State Government shall notify in the *Official Gazette* the date on which the register is given in the custody of the Council.

(*2*) The Registrar shall keep the register correct as far as possible and may from time to time enter therein any material alteration in address or qualification of the registered practitioners. The names of registered practitioners who die or whose names are directed to be removed from the register under section 16 shall be removed from the register.

(*3*) The State Government may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of any such fee as may be prescribed by it in that behalf.

Persons entitled to be registered.

14. (*1*) Subject to the provisions of this Act, every person shall, if he holds any of the qualifications included in the Schedule be entitled on application to be registered, on payment of a fee of Rs. 15 and on giving evidence to the satisfaction of the Registration Officer or the Registrar, as the case may be, of his possession of a qualification entitling him for registration.

(*2*) The State Government may, after consulting the Registration Officer or the Council, as the case may be, permit the registration of any person who has been actually conducting veterinary practice in the State of Bombay since a date prior to the 1st day of January 1944, notwithstanding the fact that he may not be possessing qualifications entitling him to have his name entered in the register.

(*3*) Every person for the time being registered with the veterinary Council of any other State in India under any law for the registration of veterinary practitioners in force in such State shall, if reciprocity of registration has been arranged with such Council, be entitled to be registered under this Act, on making an application in that behalf, on payment of a fee of Rs. 15 and on his informing the Registration Officer or the Registrar, as the case may be, of the date of his registration under the said law and on giving a correct description of his qualifications with the dates on which they were granted.

(*4*) Any person who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, and any person who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect may be refused registration under this Act.

V of 1898.
44 and 45 Vict. Ch. 58.
VIII of 1911.
XLVI of 1950.

Appeals and erasure of incorrect entries.

15. (*1*) Any person aggrieved by the decision of the Registration Officer or Registrar regarding the registration of his name or any entry in the register may appeal—

(*a*) against the decision of the Registration Officer, to the State Government, and

(*b*) against the decision of the Registrar, to the Council.

(*2*) An appeal—

(*a*) to the State Government shall be filed within 30 days from the date of publication of the first register under sub-section (*4*) of section 12 and on payment of a fee of Rs. 5 ; and

(*b*) to the Council shall be filed within such period and on payment of such fee, and shall be heard and decided by the Council in such manner as may be provided by regulations.

(*3*) The State Government in the case of the first register, and in other cases the Council, may on its own motion or on the application of any person after due and proper enquiries and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the State Government or the Council, as the case may be, such entry was fraudulently made or caused to be made.

Removal from register.

16. The Council may direct that the name of any registered veterinary practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950, of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect, shall be removed from the register and may direct that any name so removed shall be re-entered.

V of 1898. 44 and 45 Vict. Ch. 58. VIII of 1911. XLVI of 1950.

Renewal fee.

17. (*1*) Notwithstanding anything contained in section 14 or 21, the Council may direct that a renewal fee of such amount as may be approved by the State Government shall be paid by each veterinary practitioner for the continuance of his name on the register.

(*2*) Where the renewal fee is not paid before the date fixed by the Council in that behalf, the Registrar shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the fee in such manner and subject to such conditions as the Council may, by regulations, direct.

Certificates by veterinary practitioners.

18. No certificate required by or under any law for the time being in force from any veterinary practitioner or veterinary officer shall be valid unless the person signing the same shall have been registered under this Act.

Unregistered persons not to hold certain appointments.

19. No person shall, except with the sanction of the State Government, hold any appointment for the performance of veterinary duties in any veterinary dispensary, hospital or infirmary which is not supported entirely by voluntary contributions, or which belongs to a local authority or in any public establishment, body or institution, unless he is registered under this Act.

Notice of death.

20. Every Registrar of Deaths on receiving notice of the death of a registered veterinary practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmission as an expense of his office.

Annual list of veterinary practitioners.

21. (*1*) The Registrar shall, in every year on or before a date to be fixed by the Council, cause to be printed and published a correct list of the names and qualifications of all persons for the time being entered in the register and the dates when such qualifications were acquired, in alphabetical order according to the surnames of the persons registered.

(*2*) The list of names and qualifications printed and published in pursuance of sub-section (*1*) shall be evidence in all cases (until the contrary is proved) that the persons therein appearing are duly registered; and the absence of the name of any person from such list shall be evidence (until the contrary is proved) that such person is not registered:

Provided that in the case of any person whose name does not appear in such list a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered.

Council authorised to call for information and attend examination.

22. The Council shall have authority to call on the governing body or authority of any veterinary college, school or other institution and on any examining body included in or desirous of being included in the Schedule—

(*a*) to furnish such particulars as the Council shall require of any course of study prescribed or examination held by such body or authority or in such college, school or institution, with reference to the grant of any veterinary qualification, and

(*b*) to permit any member of the Council deputed by the Council in this behalf to attend and be present at any such examination.

Disposal of fees.

23. All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

PART V.

Offences and Penalties.

Veterinary practitioners not registered under this Act not to sign or authenticate veterinary certificate, etc.

24. Notwithstanding anything contained in any law for the time being in force, no person other than a person registered under Part IV of this Act—

(*a*) shall sign or authenticate any veterinary or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, or

(*b*) shall be qualified to give evidence as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to veterinary science.

I of 1872.

Prohibition against addition of any title, description, etc. to name of any person unless authorised to do so.

25. No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practise any system of veterinary science unless—

(*a*) he actually holds such degree, diploma, licence or certificate ; and

(*b*) such degree, diploma, licence or certificate is specified in the Schedule or is recognized by law for the time being in force in India or in any part thereof or has been conferred, granted or issued by an authority empowered or recognized as competent by the State Government to confer, grant, or issue such degree, diploma, licence or certificate.

Penalty for contravening provisions of section 24 or 25.

26. Whoever contravenes the provisions of section 24 or 25 shall be punished, in the case of a first conviction with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction with fine which may extend to five hundred rupees.

Penalty for falsely claiming to be registered.

27. Whoever falsely pretends to be registered under this Act or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished, on conviction. with fine which may extend to three hundred rupees.

Court competent to try offences under this Act.

28. No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

PART VI.

Control.

Alteration in list of qualifications mentioned in Schedule.

29. If it shall appear to the State Government on the report of the Council or otherwise, that the course of study and examinations prescribed by any of the colleges or bodies conferring the qualifications described in the Schedule are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession or if it shall appear to the State Government, on the report of the Council or otherwise, that the course of study and examinations prescribed by any college or body conferring a qualification not entered in the Schedule are such as to secure the possession by persons obtaining such qualification of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the State Government from time to time by notification in the *Official Gazette* to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be, and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

Power of S Government to give directions and to appoint authorities in place of those not validly appointed or constituted.

30. (*1*) The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions. If the Council fails to comply with the directions so given the State Government may direct the carrying out of such directions and the expenditure incurred in carrying them out shall be paid out of the moneys credited to the Council.

(*2*) If at any time it shall appear to the State Government that the Council or any other authority has not been validly constituted or appointed under this Act, the State Government may direct that the powers to be exercised or duties or functions to be performed by the Council or such authority shall, notwithstanding anything contained in this Act, be exercised or performed by such officer or authority, in such manner and for such period as it deems fit.

PART VII.

Miscellaneous.

Indemnity to persons acting under this Act.

31. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or regulations.

Rules and Regulations.

32. (*1*) The State Government may, after previous publication, by notification in the *Official Gazette* make rules to carry out the purposes of this Act.

(*2*) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with this Act or the rules made under sub-section (*1*) for all or any of the following matters, namely :—

(*a*) the time at which and the place and manner in which election of the members of the Council shall be held under section 5 ;

(*b*) the time and place at which the Council shall hold its meeting and the manner in which such meeting shall be summoned under section 7 ;

(*c*) the period within which and the manner in which appeals against the decisions of the Registrar shall be filed and heard and decided by the Council under section 15 and the fee payable with such appeals ;

(*d*) the manner in which and the conditions subject to which the name of a veterinary practitioner shall be re-entered in the register on payment of renewal fee under section 117.

(*3*) All regulations shall be published in the *Official Gazette*.

(*4*) The State Government may by notification in the *Official Gazette* cancel any regulation.

THE SCHEDULE.

(*See sections 14, 22 and 29.*)

1. Bachelor of Science (Veterinary) (Bombay).
2. Bachelor of Veterinary Science (Madras).
3. Bachelor of Vaterinary Science (Punjab).
4. Bachelor of Science (Veterinary) (Uttar Pradesh).
5. Bachelor of Science (Veterinary) (Madhya Pradesh).
6. Graduates of Bombay Veterinary College.
7. Graduates of Madras Veterinary College.
8. Graduates of Bengal Veterinary College.
9. Graduates of Punjab Veterinary College.
10. Graduates of Bihar Veterinary College.
11. Members of the Royal College of Veterinary Surgeons, London.
12. Doctors of Veterinary Medicine or Bachelors of Veterinary Science of Universities in countries of the Commonwealth other than the United Kingdom.
13. Doctors of Veterinary Medicine of Universities in the United States of America.

THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.

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10. Inquiries and proceedings to be judicial proceedings.
11. Amount of compensation to be payable in transferable bonds.
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THE SCHEDULE.

BOMBAY ACT No. LXX OF 1953.[1]

[THE BOMBAY SERVICE INAMS (USEFUL TO COMMUNITY) ABOLITION ACT, 1953.]

[22*nd December 1953*]

Amended by Bom. 58 of 1954.
,, ,, ,, 51 of 1955.

An Act to abolish service inams useful to the community in certain parts of the State of Bombay.

WHEREAS it is necessary and expedient in the public interst to abolish service inams useful to the community in certain parts of the State of Bombay and to provide for other incidental and consequential matters hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Service Inams (Useful to Community) Abolition Act, 1953.

(*2*) It extends to the territories formerly comprising of Khandesh, Deccan and Southern Maratha Country and subsequently forming part of the districts of East Khandesh, West Khandesh, Ahmedanagar, Nasik, Poona, Satara, Sholapur, Bijapur, Belgaum, Kanara and Dharwar as they existed before the States' Merger (Governor's Provinces) Order, 1949.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definit

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "appointed day" means the day on which this Act comes into force ;

Bom. V of 1879.

(*b*) "Code" means the Bombay Land Revenue Code, 1879 ;

(*c*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*d*) "holder" means (except in the expression "inferior holder") a holder of a service inam and includes any person lawfully holding under or through him ;

(*e*) "service inam village" or "service inam land" means a village or a portion of a village or land, as the case may be, held in inam by a person for service useful to the community ;

(*f*) "service inam" means—

(*i*) a grant of a village, portion of a village, land or total or partial exemption from land revenue held for service useful to the community and entered in the alienation register kept under section 53 of the Code as "Class VI—village servants useful to village communities";

(*ii*) a grant of money or land revenue including anything payable as a cash allowance on the part of the State Government for service useful to the community ;

(*g*) "prescribed" means prescribed by rules made under this Act ;

(*h*) "Schedule" means a Schedule appended to this Act ;

(*i*) the words and expressions used but not defined in this Act shall have the meanings assigned to them in the Code.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 458-459.

MO-B 4036 H—16*a*

(*2*) If any question arises whether any grant is a service inam, the State Government shall, having regard to the relevant entries in the alienation records and after holding such inquiry as may be deemed fit, decide the question and such decision shall be final ;

Provided that the State Government may authorise any officer to decide such question and subject to an appeal to the State Government his decision shall be final.

Abolition of service inams and rights in respect of such inams.

3. With effect from and on the appointed day, notwithstanding anything contained in any law, usage, settlement, grant, sanad or order—

(*1*) all service inams shall be deemed to have been abolished and all incidents appertaining thereto shall be deemed to have been extinguished ;

(*2*) all rights to hold office and any liablility to render service appertaining to the said inams are hereby extinguished.

Liability of service inam villages and lands to land revenue and persons liable to pay the same.

4. (*1*) All service inam villages and service inam lands which have been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852, are and shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages and lands. XI of 1852.

(*2*) In the case of service inam land to which sub-section (*1*) applies,

(*a*) where such land is in possession of the holder or in possession of a person (other than an inferior holder) holding from him, the holder and

(*b*) where such land is in possession of an inferior holder holding the same on payment of annual assessment only, such inferior holder,

shall primarily be liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all rights and shall be liable to all obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Resumption of service inam land and its regrant to holder.

5. (*1*) All service inam lands which have not been adjudicated under rule 8 of Schedule B to the Bombay Rent-free Estates Act, 1852, are hereby resumed and shall be liable to the payment of land revenue under the provisions of the Code and the rules made thereunder and the provisions of the Code and the rules relating to the unalienated lands shall apply to such lands. XI of 1852.

(*2*) A service inam land resumed under the provisions of [1][sub-section (*1*)] shall be regranted to the holder on payment of the occupancy price equal to six times the amount of the full assessment of such land within [2][five years] from the appointed day and the holder shall be deemed to be an occupant within the meaning of the Code in respect of such land and shall primarily be liable to pay land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder :

Provided that if the holder fails to pay the occupancy price within the period of [2][five years] as provided in this section, he shall be deemed to be unauthorisedly occupying the land and shall be liable to be summarily ejected in accordance with the provisions of the Code.

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[1] These words, brackets and figure were substituted for the words "this Act" by Bom. 58 of 1954, s. 2, Schedule.

[2] These words were substituted for the words "two years" by Bom. 51 of 1955, s. 3, Second Schedule.

(*3*) The occupancy of the land regranted under sub-section (*2*) shall not be transferable or partible by metes and bounds without the previous sanction of the Collector and except on payment of such amount as the State Government may by general or special order determine.

Compensation in lieu of cash allowance or land revenue.

6. Notwithstanding anything contained in any law, usage, settlement, grant, sanad or order,—

(*1*) a sum equal to seven times the amount of the cash allowance due to a holder on the appointed day shall be paid to such holder;

(*2*) in the case of any land or village, in respect of which the service inam consists of the whole or a part of the land revenue of such land or village, a sum equal to ten times the amount of such land revenue shall be paid to the holder.

Method of compensation for abolition, etc., of other rights in land.

7. (*1*) If any person is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) An application under sub-section (*1*) shall be made to the Collector in a prescribed form within six months from the appointed day. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

(*3*) Nothing in this section shall entitle any person to compensation on the ground that any service inam land which was wholly or partially exempt from the payment of land revenue has been under the provisions of this Act made subject to the payment of full assessment in accordance with the provisions of the Code.

(*4*) Any person aggrieved by the award of the Collector made under sub-section (*2*) may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, within 60 days from the date of the award.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which the Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) In computing the period for filing appeals the provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the appeals made under this section.

IX of 1908.

Court-fees.

VII of 1870.

8. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Finality of award of Collector and decision of Revenue Tribunal.

9. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

10. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. XLV of 1860.

Amount of compensation to be payable in transferable bonds.

11. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of holder and tenants.

12. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any service inam village or service inam land or the mutual rights and obligations of a holder and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act. Bom. LXVII of 1948.

Rules.

13. The State Government may, subject to the condition of previous publication, make rules for the purpose of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Discontinuance of application of certain enactments.

14. (*1*) With effect from and on the appointed day the provisions of the enactments specified in the Schedule shall to the extent specified in column 4 thereof cease to apply to all service inams.

(*2*) Nothing in sub-section (*1*) shall be deemed to affect,—

(*a*) any obligation or liability already incurred before the appointed day;

(*b*) any proceeding in respect of such obligation or liability; or

(*c*) anything done in the course of such proceeding in any Court on or before the aforesaid date;

and any such proceeding may be continued and disposed of as if this Act had not been passed.

THE SCHEDULE.

Year.	No.	Short title.	Extent of cessation of application.
1	2	3	4
1852	XI	The Bombay Rent-free Estates Act, 1852 ..	The whole Act shall cease to apply.
1863	II	The Exemptions from Land Revenue (No. 1) Act, 1863.	Do. do.
1871	XXIII	The Pensions Act, 1871 ..	Do. do.
1926	XI	The Invalidation of Hindu Ceremonial Emoluments Act, 1926.	Sections 5 and 6.

THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953.

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BOMBAY ACT No. LXXI OF 1953.[1]

[THE BOMBAY MERGED TERRITORIES (JANJIRA AND BHOR) KHOTI TENURE ABOLITION ACT, 1953.]

[*28th December 1953*]

Amended by Bom. 51 of 1955

An Act to abolish khoti tenure prevailing in the merged territories of the former States of Janjira and Bhor.

WHEREAS it is expedient to abolish the khoti tenure prevailing in the merged territories of the former States of Janjira and Bhor and to provide for certain consequential and incidental matters hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953.

(*2*) It extends to the merged territories of the former State of Janjira (hereinafter referred to as the merged territories of Janjira) and to the merged territories of the former State of Bhor (hereinafter referred to as the merged territories of Bhor) included in the district of Kolaba.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions

2. (*1*) In this Act, unless there is anything repugnant in the subject or context—

(*i*) "Code" means the Bombay Land Revenue Code, 1879;

Bom. V of 1879.

(*ii*) "Collector" includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act;

(*iii*) "dhara land" means land held by a dharekari in a khoti village;

(*iv*) "dharekari" means a person who holds dhara land on dhara tenure;

(*v*) "khot" means the holder of a khoti village on khoti tenure and includes—

(*a*) a mortgagee lawfully in possession of a khotki and

(*b*) all co-sharers in a khotki;

(*vi*) "khotki" means the aggregate of the rights and interests vested in a khot as such;

(*vii*) "khoti fayda" means the amounts of grain or money payable as khoti fayda to a khot in the merged territories of Bhor by an occupancy tenant of a khoti nisbat land;

(*viii*) "khoti khasgi land" means in relation to the merged territories of Bhor, land entered in the khot's own name as khoti khasgi in the records of the original survey and settlement;

(*ix*) "khoti land" means in relation to the merged territories of Janjira, land entered in the village records as khoti and held as such by a khot;

(*x*) "khoti nisbat land" means in relation to the merged territories of Bhor, land entered as khoti nisbat in the records of the original survey and settlement;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 445.

(*xi*) "khoti tenure" means—

(*a*) in relation to the merged territories of Janjira, the tenure known as—
(1) Farokta Isafati Khoti,
(2) Watani Isafati Khoti,
(3) Vasuli Isafati Khoti, or
(4) Tota Isafati Khoti,

on which a khoti village is held by a khot by virtue of a sanad granted by the ruling authority of that State at any time before the merger and subject to the terms of such sanad in accordance with the provisions of the Khoti Settlement Act, 1880, as applied to the State of Janjira; and Bom. I of 1880.

(*b*) in relation to the merged territories of Bhor, Watani Khoti tenure on which a khoti village is held in accordance with the provisions of the Khoti Settlement Act, 1880, as applied to the State of Bhor; Bom. I of 1880.

(*xii*) "khoti village" means a village specified in the Schedule;

(*xiii*) "khot's dues" means—

(*a*) khot's profit out of the rent paid to a khot by an occupancy tenant of khoti land in the merged territories of Janjira in accordance with the term of the sanad granted to the khot, and

(*b*) the khoti fayda paid to a khot by an occupancy tenant of khoti nisbat land in the merged territories of Bhor,

exclusive of the land revenue payable by the khot to the Government for the time being and the cess, if any, leviable under the Bombay Local Boards Act, 1923, in respect of such land; Bom VI of 1923.

(*xiv*) "merger" means in relation to a former Indian State the cession by the Ruler of such State of full and exclusive jurisdiction and powers for, and in relation to, the governance of such State and the transfer of administration of such State to the State of Bombay under section 290-A of the Government of India Act, 1935; 26 Geo. 5 Ch. 2.

(*xv*) "occupancy tenant" means—

(*a*) in relation to the merged territories of Janjira, a holder of a khoti land who has permanent tenancy right in such land and who has been shown as *Juney Kul* (old tenant) in the Record of Rights;

(*b*) in relation to the merged territories of Bhor, a holder of khoti nisbat land and who has been shown as *Juney Kul* (old tenant) in the village record;

(*xvi*) "prescribed" means prescribed by rules made under this Act;

(*xvii*) "Sarkari land" means in relation to the merged territories of Janjira—

(*a*) land shown in the Record of Rights as Government land and entered in the name of the khot as Vahiwatdar; and

(*b*) land originally held as khoti nisbat land but subsequently resumed and granted to a co-sharer of a khot for vahiwat by the former Government of Janjira; and

(*c*) land known as Samlatpad or Sabandhapad which has been assessed waste and in respect of which the khot pays assessment to Government;

(*xviii*) "Schedule" means the Schedule appended to this Act.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it by the Code.

Bom. I of 1880.

(*3*) References in this Act to the provisions of the Khoti Settlement Act, 1880, as applied to the State of Janjira and as applied to the State of Bhor and to the grants of khoti villages and the incidents of the khoti tenure shall, notwithstanding the repeal of the said Act, the cancellation of the said grants and the abolition of the said tenure by this Act, be construed as references to the said provisions, grants and incidents as they were in force immediately before this Act comes into force.

(*4*) If any question arises about the tenure on which a khoti village is held, the nature of any land in a khoti village or whether a tenant is an occupancy tenant, the State Government shall, having regard to the relevant entries in the revenue records and after holding such enquiry as may be deemed fit, decide the question and such decision shall be final:

Provided that the State Government may authorise any officer to decide any such question and subject to an appeal to the State Government his decision shall be final.

Abolition of khoti tenure.

3. With effect from and on the date on which this Act comes into force,—

(*1*) the khoti tenure shall, wherever it prevails in the merged territories of Janjira and Bhor included in the district of Kolaba, be deemed to have been abolished; and

(*2*) save as expressly provided by this Act all sanads granted in respect of a khoti village in the merged territories of Janjira shall be deemed to have been cancelled, and all the incidents of the said tenure shall be deemed to have been extinguished, notwithstanding any law, custom or usage or anything contained in any sanad, grant, kabulayat, lease, decree or order of any court or any other instrument.

Who shall be occupants in merged territories of Janjira.

4. In the merged territories of Janjira—

(*1*) in the case of khoti land in a khoti village held on Farokta Isafati or Watani Isafati Khoti tenure—

(*i*) where such land is in the possession of the khot, the khot, and

(*ii*) where such land is in the possession of an occupancy tenant, such occupancy tenant,

(*2*) in the case of khoti land in a khoti village held on Vasuli Isafati or Tota Isafati Khoti tenure—

(*i*) where such land has been acquired by the khot on payment of occupancy price in accordance with the law for the time being in force before the merger, such khot,

(*ii*) where such land is not so acquired,—

(*a*) the tenant in possession of such land, and

(*b*) if there be no tenant in possession of such land, the khot,

(*3*) in the case of Sarkari land—

(*i*) the tenant in possession of such land, and

(*ii*) if there be no tenant in possession of such land, the khot or the co-sharer, as the case may be, and

(*4*) in the case of a dhara land, the dharekari,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that—

(*i*) in the case of khoti land in a khoti village held on Vasuli Isafati or Tota Isafati Khoti Tenure, where such land has not been acquired by the khot on payment of occupancy price in accordance with the law for the time being in force before the merger, and

(*ii*) in the case of Sarkari land,

the khot, co-sharer or tenant, as the case may be, who may be liable to the State Government for the payment of land revenue under this section in respect of such land, shall be entitled to the rights of an occupant in respect of such land on payment to the State Government in the prescribed manner and within the prescribed period occupancy price equivalent to six multiples of the survey assessment fixed on the land.

Who shall be occupants in merged territories of Bhor.

5. In the merged territories of Bhor—

(*1*) in the case of a khoti khasgi land, the khot, and

(*2*) in the case of khoti nisbat land—

(*i*) where such land is in the possession of an occupancy tenant, such occupancy tenant, and

(*ii*) if there be no occupancy tenant in possession of such land, the khot, and

(*3*) in the case of a dhara land, the dharekari,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force.

Certain tenants to be occupants.

6. Notwithstanding anything contained in sections 4 and 5, where a khoti land or khoti khasgi land is in the possession of a person (other than an occupancy tenant) holding under a khot on payment to the khot of rent equal to the amount of assessment fixed for such land, such person shall be entitled to the rights of an occupant in respect of such land on payment to the khot in the prescribed manner occupancy price equivalent to three multiples of the assessment fixed for such land :

Provided that the right conferred by this section shall not be exercisable after a period of [1][five years] from the date on which this Act comes into force.

Liability to pay khot's dues and rights of khot extinguished.

7. (*1*) With effect from the date on which this Act comes into force, the land in respect of which any person is entitled to the rights of an occupant under section 4 or 5, as the case may be, shall be free from the liability for the payment of khot's dues in respect thereof and all rights of a khot in his capacity as a khot in such land shall be deemed to have been extinguished.

[1] These words were substituted for the words " two years " by Bom. 51 of 1955, s.3, Second Schedule.

(*2*) Nothing in sub-section (*1*) shall in any way affect the liability of any person to pay in respect of the land in his possession the amount of the khot's dues for the current year ending on the 31st day of July 1954 and the amount of the arrears of such dues for any previous year in respect of such land.

Commutation of khot's dues.

8. (*1*) An occupancy tenant shall be liable to pay in the prescribed manner and within the prescribed period the commuted value of the khot's dues which were payable by him immediately before the coming into force of this Act in respect of the land held by him. Such commuted value shall be estimated and paid in the manner specified in sub-sections (*2*) and (*3*).

(*2*) The Mamlatdar shall give notice in the prescribed manner to the persons referred to in sub-section (*1*) and the khot, and after holding a formal inquiry shall determine the amount of the commuted value of the khot's dues :

Provided that the amount of commuted value shall not exceed five times the amount of the khot's dues, if payable in cash or five times the value of such dues, if payable in kind, subject to the maximum of a sum equal to ten times the survey assessment of the land, or if the khot's dues are payable in crop-share, five times the commuted value of such dues reckoned in the manner provided for in sub-section (*3*).

(*3*) In estimating the commuted value of the khot's dues payable in crop-share, a third crop-share shall be held as equivalent to two multiples of survey assessment fixed on the land and any other crop-share as a proportional multiple of such assessment :

Provided that the commuted value of the produce payable on any warkas land actually used for the purpose of rab manure in connection with rice cultivation shall be held as equivalent to one survey assessment of such land.

Explanation.—The commuted value shall be deemed to include compensation for the extinguishment of any rights of a khot in relation to occupancy tenants under section 9 of the Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and Bhor or any other provisions thereof.

Bom. I of 1880.

Occupancy price or commuted value recoverable as arrear of land revenue.

9. (*a*) The amount of the occupancy price payable under section 4, if not paid to the State Government ; and

(*b*) the amount of the commuted value payable under section 8, if not paid to the khot,

shall be recoverable as an arrear of land revenue. The amount recovered shall be credited to Government or paid to the khot, as the case may be.

Khot to hand over accounts, etc., to authorised officers.

10. (*1*) Whenever an officer authorised by the State Government in this behalf so directs, a khot shall deliver to him or such other officer as may be specified in the direction, accounts and other records relating to the khoti village kept by him under the law for the time being applicable to the village.

(*2*) If a khot fails without reasonable cause to deliver any such accounts or records he shall, on conviction, be punished with fine which may extend to Rs. 200. In the case of a continuing failure to deliver any such accounts or records, the khot shall be punished with an additional fine which may extend to Rs. 25 for every day during which such failure continues after conviction for the first such failure.

Uncultivated and waste lands and all property of nature specified in section 37 of Code vest in State Government.

11. For the removal of doubt, it is hereby declared that all uncultivated waste lands in a khoti village not appropriated by any khot and not entered into the revenue or survey records as khoti or khoti khasgi, before the date on which this Act comes into force, and all other kinds of property referred to in section 37 of the Code, situate in a khoti village, which are not the property of the individuals or of any aggregate of persons legally capable of holding property and except in so far as any rights of such persons may be established in or over the same and except as may be otherwise provided in any law for the time being in force, are together with all rights in or over the same or appertaining thereto, the property of the State Government and it shall be lawful to dispose of or set apart the same by the authority in the manner and for the purpose provided in section 37 or 38 of the Code, as the case may be.

Extinction of khot's right of reversion.

12. From the date on which this Act comes into force a khot shall not be entitled to acquire any right in any khoti land or khoti nisbat land by right of reversion.

Explanation.—For the purposes of this section, the right of reversion shall mean a right by which a khot was entitled to acquire lands held by an occupancy tenant under section 10 of the Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and Bhor before merger. Bom. I of 1880.

Right to trees.

13. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State to forests in a khoti village. XVI of 1927.

Method of compensation for extinguishment or modification of any rights and interests in land.

14. (*1*) If a khot or any other person is aggrieved by any of the provisions of this Act as extinguishing or modifying any of his rights to, or interests in, land and if such person proves that such extinguishment or modification amounts to transference to public ownership of any land or any right or interest in or over such land, such person may apply to the Collector for compensation. XVI of 1927.

(*2*) Such application shall be made in the form prescribed by rules made under this Act within six months from the date on which this Act comes into force.

(*3*) The Collector shall after holding a formal inquiry in the manner provided by the Code award such compensation as he deems reasonable and adequate :

Provided that—

(*a*) the amount of compensation for the extinguishment of the right of reversion in lands in a khoti village shall not exceed the amount calculated at the rate of Rs. 2 per 100 acres of such lands,

(*b*) the amount of compensation for the extinguishment of any right to appropriate any uncultivated and waste lands not appropriated by any khot and not entered in the revenue or survey records as khoti or khoti khasgi immediately before the 1st day of August 1953, shall not exceed the amount caloulated at the rate of Rs. 5 per 100 acres of such land :

Provided further that in the case of the extinguishment or modification of any other right of a khot or any right of any other person, the Collector shall be guided by the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894. I of 1894.

(*4*) Any person aggrieved by the award of the Collector may appeal to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939.

Bom. XII of 1939.

(*5*) In deciding appeals under sub-section (*4*), the Bombay Revenue Tribunal shall exercise all the powers which a Court has and follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

(*6*) The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Limitation.

15. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court-fees.

VII of 1870.

16. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

Inquiries and proceedings to be judicial proceedings.

17. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

Amount of compensation to be payable in transferable bonds.

18. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denominations and shall be in such forms as may be prescribed.

Provisions of Bom. LXVII of 1948 to govern relations of khot and tenants.

19. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, to any lands in a khoti village or the mutual rights and obligations of a khot and his tenants, save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Bom LXVII of 1948.

Act not to apply to kauli lands.

20. Nothing in this Act shall apply to kauli lands which were held on kauli tenure in a khoti village but to which the Bombay Kauli and Katuban Tenures (Abolition) Act, 1953, applies.

Bom. XLIV of 1953.

Rules.

21. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall, when finally made, be published in the *Official Gazette*.

Repeal.

22. The Khoti Settlement Act, 1880, as applied to the merged territories of Janjira and the said Act as applied to the merged territories of Bhor are hereby repealed.

Bom. I of 1880.

SCHEDULE

(*See* section 2.)

(A) Khoti villages of the merged territories of Janjira :—

1. Borli.
2. Surai (Murud mahal).
3. Abitghar.
4. Kakalghar.
5. Chinchghar.
6. Bamnad.
7. Mahalung Budruk.
8. Salav.
9. Ambali.
10. Satirde.
11. Yesade.
12. Savroli.
13. Usadi.
14. Josranjan.
15. Belsai.
16. Undergaon.
17. Kharwaranwata.
18. Wawdungi.
19. Wande.
20. Maner.
21. Tembhode.
22. Kolmandle.
23. More.
24. Pale.
25. Araoghar.
26. Sarane.
27. Mhasla.
28. Sawar.
29. Tamhane Karambe.
30. Sakalap.
31. Khargaon Kd.
32. Bhabat.
33. Chali.
34. Kalsuri.
35. Khanloshi.
36. Adi Bhatachi.
37. Reoli.
38. Jambhul.
39. Tondsure.
40. Agarwada.
41. Pangloli.
42. Kudgaon (Mhasala mahal).
43. Pasti.
44. Varanat.
45. Neorul.
46. Kolwat.
47. Sangwad.
48. Rativne.
49. Kelte.
50. Khamgaon.
51. Kanghar.
52. Lep.
53. Vangani.
54. Vaghav.
55. Kudtudi.
56. Manjaravne.
57. Ghonse.
58. Shilim.
59. Wadghar (Mhasala mahal).
60. Dagadghoom.
61. Chichonde.
62. Kandalwada.
63. Khargaon Bdk.
64. Chirgaon.
65. Lahiwat.
66. Dhorje.
67. Surai (Mhasala mahal).
68. Dehen.
69. Talawade.
70. Toradi.
71. Adi Mahad Khadi.
72. Panave.
73. Kole.
74. Konzari.
75. Kokbal.
76. Thakroli.
77. Mandathane.
78. Tamhane Shrike.
79. Ambet.
80. Phalsap.
81. Khujare.
82. Wakalghar.
83. Asuf.
84. Bharadkhol.
85. Dandguri.
86. Vanjale.
87. Wave-Panchatan.
88. Deokhol.
89. Nagloli.
90. Hunarveli.
91. Shiravane.
92. Chikhlap.

93. Punir.
94. Maghare.
95. Bhardoli.
96. Bapoli.
97. Mamoli.
98. Guladhe.
99. Kondiwali.
100. Shekhadi.
101. Jasavali.
102. Wadghar (Shrivardhan mahal).
103. Sakhari.
104. Javele.
105. Sakharravane.
106. Kondhe.
107. Harwit.
108. Karje.
109. Kudki.
110. Mhasap.
111. Bhave.
112. Borli-Panchatan.
113. Nagaon.
114. Kondhe-Panchatan.
115. Savarde.
116. Karlas.
117. Kalinje.
118. Deoghar.
119. Maral.
120. Kurwade.
121. Saigaon.
122. Kherdi.
123. Arathi.
124. Karivne.
125. Nivale.
126. Dharavli.
127. Vave Tarf Shriwardhan.
128. Wadshet.

(B) Khoti villages in the merged terrtoreis of Bhor :—

1. Pali.
2. Ambole.
3. Khandpoli.
4. Amnori.
5. Wave.
6. Chive.
7. Padsare.
8. Ghotwade.
9. Kalamb.
10. Mulshi.
11. Mahagaon.
12. Aptawane.
13. Dahigaon.
14. Nadsur.
15. Nanose.
16. Nandgaon.
17. Gugulwada.
18. Potlaj Khd.
19. Harneri.
20. Bharje.
21. Wavloli.
22. Shidheshwar Khd.
23. Kalamboshi.
24. Chandargaon.
25. Padghavli.
26. Zap.
27. Kavele.
28. Tiware.
29. Kanhiwli.
30. Potlaj Bkd.
31. Waghoshi.

THE BOMBAY (OKHAMANDAL SALAMI TENURE ABOLITION) ACT, 1953

CONTENTS.

PREAMBLE.

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of Salami tenure and liability of holder to pay land revenue.
4. Repeal.

BOMBAY ACT No. I OF 1954.[1]

[THE BOMBAY (OKHAMANDAL SALAMI TENURE ABOLITION) ACT, 1953.]

[*4th January 1954*]

An Act to abolish the Salami Tenure prevailing in Okhamandal Taluka of the Amreli District in the State of Bombay.

WHEREAS it is expedient to abolish the salami tenure prevailing in Okhamandal taluka of the Amreli district in the State of Bombay and to provide for other consequential and incidental matters hereinafter appearing; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.

(*2*) It extends to the Okhamandal taluka of the Amreli district in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

Bom. V of 1879

(*a*) "Code" means the Bombay Land Revenue Code, 1879;

(*b*) "holder" means a person holding salami land;

(*c*) "salami land" means land held on salami tenure;

(*d*) "Salami Land Rules" means the Rules for the regulation of salami land tenure in Okhamandal as in force in the merged territories of the former State of Baroda immediately before the 30th July 1949;

(*e*) "salami tenure" means the tenure on which land is held under the Salami Land Rules.

(*2*) Any word or expression which is defined in the Code but not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the Salami Land Rules and to the incidents of salami tenure shall, notwithstanding the repeal of the said Rules and the abolition of the said tenure by this Act, be construed as references to the said Rules and incidents as they were in force immediately before this Act comes into force.

Abolition of salami tenure and liability of holder to pay land revenue.

3. With effect on and from the date on which this Act comes into force,—

(*1*) the salami tenure, wherever it prevails in the Okhamandal taluka of the Amreli district, shall be deemed to have been abolished and all incidents of the said tenure shall be deemed to have been extinguished;

(*2*) all sanads or grants under which a salami land was held immediately before the coming into force of this Act shall be deemed to have been cancelled;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, pages 354-355

(*3*) all salami lands are and shall be liable to the payment of land revenue to the State Government in accordance with the provisions of the Code and the rules made thereunder ; and

(*4*) the holder shall be primarily liable to the State Government for the payment of land revenue due in respect of such land held by him and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or the rules made thereunder or any other law for the time being in force.

Repeal.

4. The Salami Land Rules are hereby repealed :

Provided that the repeal of the said Rules shall not be deemed to affect any obligation or liability already incurred or accrued before the date of the commencement of this Act.

THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1 Short title, extent and commencement.

2. Definitions.

3. Appointment of Registrars of Marriages.

4. Every marriage in State to be registered.

5. Memorandum of marriage.

5A. Memorandum of marriage submitted after 30 days.

6. Register to be open for public inspection.

7. Non-registration not to invalidate marriage.

8. Penalty for neglecting to comply with provisions of section 5 or for making false statements in memorandum.

9. Penalty for failing to file memorandum.

10. Penalty for secreting, destroying or altering register.

11. Registrar to be public servant.

12. Indemnity to persons acting under this Act.

13. Power to make rules.

THE SCHEDULE.

BOMBAY ACT No. V OF 1954.[1]

[THE BOMBAY REGISTRATION OF MARRIAGES ACT, 1953.]

[*20th January 1954*]

Amended by Bom. 36 of 1955.

An Act to provide for registration of marriages in the State of Bombay.

WHEREAS it is expedient to provide for registration of marriages in the State of Bombay, and for certain other purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Registration of Maraiages Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) This section shall come into force at once. The remaining provisions of the Act shall come into force in such area on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) " to contract a marriage " means to solemnize or enter into a marriage in any form or manner ;

(*2*) " marriage " includes re-marriage ;

(*3*) " memorandum " means a memorandum of marriage mentioned in section 5 ;

(*4*) " priest " means any person who solemnizes a marriage ;

(*5*) " register " means a register of marriages maintained under this Act ;

(*6*) " Registrar " means a Registrar of Marriages appointed under this Act ;

(*7*) " Registrar-General " means the Registrar-General of Births, Deaths and Marriages appointed by the State Government for the State of Bombay under the Births, Deaths and Marriages Registration Act, 1886 :

VI of 1886.

(*8*) " Schedule " means the Schedule to this Act.

Appointment of Registrars of Marriages.

3. The State Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Marriages for such local areas as it may specify.

Every marriage in State to be registered.

4. After the date on which the provisions of this Act have been brought into force in any area under sub-section (*3*) of section 1, every marriage contracted in such area shall be registered in the manner provided in section 5.

Memorandum of marriage.

5. (*1*) The parties to a marriage to which section 4 applies, or their fathers or guardians when they shall not have completed the age of 18 years, shall prepare and sign a memorandum in the form in the Schedule and shall deliver or send by registered post the said memorandum in duplicate to the Registrar of the area, within a period of 30 days from the date of the marriage :

Provided that where the marriage is contracted without the consent of the father or guardian of a party, such party and not the father or guardian shall comply with the provisions of this sub-section.

(*2*) The memorandum shall also be signed by the officiating priest, if any.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 466.

(*3*) The memorandum shall be accompanied by a fee of rupee one.

(*4*) The Registrar shall maintain a register of such marriages. On receipt of the memorandum, the Registrar shall file the same in the register and shall send the duplicate copy thereof to the Registrar-General.

Memorandum of marriage submitted after 30 days.

[1][**5A.** (*1*) A memorandum regarding any particular marriage may be submitted to the Registrar after the expiry of the period of 30 days specified under sub-section (*1*) of section 5. Such memorandum shall be in the form, and shall be signed, as provided for in section 5 and shall be accompanied by such fee not exceeding rupees ten as may be prescribed. On receipt of such memorandum the Registrar shall file the same in the register and shall also send the duplicate copy thereof to the Registrar-General as provided in section 5.

(*2*) Nothing in sub-section (*1*) shall affect the liability of any person who has wilfully omitted or neglected to deliver or send the memorandum within the period specified in sub-section (*1*) of section 5 to any penalty under section 8.]

Register to be open for public inspection.

6. The register maintained under this Act shall, at all reasonable times, be open to inspection and certified extracts therefrom shall on application be given by the Registrar on payment by the applicant of a fee of rupees two for each such extract.

Non-registration not to invalidate marriage.

7. No marriage contracted in this State and to which this Act applies shall be deemed to be invalid solely by reason of the fact that it was not registered under this Act or that the memorandum was not delivered or sent to the Registrar or that such memorandum was defective, irregular or incorrect.

Penalty for neglecting to comply with provisions of section 5 or for making false statements in memorandum.

8. Any person who—

(*1*) wilfully omits or neglects to deliver or send the memorandum as required by section 5, or

(*2*) makes any statement in such memorandum which is false in any material particular, and which he knows or has reason to believe to be false,

shall, on conviction, be punished with fine which may extend to two hundred rupees.

Penalty for failing to file memorandum.

9. Any Registrar who fails to file the memorandum pursuant to section 5 shall, on conviction, be punished with rigorous imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

Penalty for secreting, destroying or altering register.

10. Any person secreting, destroying, or dishonestly or fraudulently altering the register or any part thereof shall, on conviction, be punished with imprisonment for a term which may extend to two years, and shall also be liable to fine.

Registrar to be public servant.

11. Every Registrar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Indemnity to persons acting under this Act.

12. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

13. (*1*) The State Government may, by notification in the *Official Gazette* and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the duties and powers of the Registrar ;

[1] This section was inserted by Bom. 36 of 1955, s. 2.

(*b*) the forms and manner in which registers or records required to be kept by or under this Act shall be maintained;

(*c*) the custody in which the registers and records are to be kept and the preservation of such registers and records.

[1][(*d*) the fee to be paid under section 5A.]

III of 1872. XV of 1872. III of 1936.

14. This Act shall not apply to marriages contracted under the Special Marriage Act, 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1936. Savings.

THE SCHEDULE.

FORM.

(*See* section 5.)

Memorandum of Marriage.

1. Date of Marriage.
2. Place of marriage (with sufficient particulars to locate the place).
3. (*a*) Full name of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bridegroom at the time of marriage whether unmarried / widower / divorced / married, and if so, how many wives are alive.
   (*f*) Signature of the bridegroom, with date.
4. (*a*) Full name of the bride.
   (*b*) Her age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Status of the bride at the time of marriage whether unmarried / widow / divorced.
   (*f*) Signature of the bride, with date.
5. (*a*) Full name of the father or guardian of the bridegroom.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bridegroom, with date.
6. (*a*) Full name of the father or guardian of the bride.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the father or guardian of the bride, with date.
7. (*a*) Full name of the officiating priest.
   (*b*) His age.
   (*c*) Usual place of residence.
   (*d*) Address.
   (*e*) Signature of the officiating priest, with date.

[1] This clause was added by Bom. 36 of 1955, s. 3.

THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS (SUPPLEMENTARY) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendments to enactments.
3. Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.
4. Saving.

SCHEDULE.

BOMBAY ACT No. VIII OF 1954.[1]

[THE BOMBAY SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS (SUPPLEMENTARY) ACT, 1954.]

[*10th February 1954*]

An Act to supplement the provisions of the Bombay Separation of Judicial and Executive Functions Act, 1951.

Bom. XXIII of 1951.

WHEREAS it is expedient to supplement the provisions of the Bombay Separation of Judicial and Executive Functions Act, 1951 ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Separation of Judicial and Executive Functions (Supplementary) Act, 1954.

Amendments to enactments.

2. The Central Acts specified in Parts I and II of the Schedule appended to this Act (hereinafter called the Schedule) in their application to the State of Bombay and the Bombay Acts specified in Part III of the Schedule are hereby amended to the extent mentioned in the fourth column of the Schedule.

Amendments not to render invalid notifications, orders, etc., issued before commencement of Act.

3. The provisions of this Act which amend any Act specified in the Schedule so as to alter the manner in which, the authority by which or the law under or in accordance with which, any powers are exercisable, shall not render invalid any notification, order, commitment, attachment, by-law, rule or regulation duly made or issued or anything duly done before the commencement of this Act; and any such notification, order, commitment, attachment, by-law, rule or regulation or thing may be revoked, varied or undone in the like manner, to the like extent and in the like circumstances, as if it had been done after the commencement of this Act by the competent authority and in accordance with the provisions then applicable to such a case.

Saving.

4. (*1*) Save as provided in this section, nothing in this Act shall be deemed to affect—

(*a*) the validity, invalidity, effect or consequence of anything done or suffered to be done in an area before the date on which the provisions of this Act come into force in such area ;

(*b*) any right, privilege, obligation or liability already acquired, accrued or incurred before such date ;

(*c*) any penalty, forfeiture or punishment incurred or inflicted in respect of any act before such date ;

(*d*) any investigation, legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment ;

and any such investigation, legal proceeding or remedy may be instituted, continued, or enforced and any such penalty, forfeiture or punishment may be imposed in accordance with the provisions of the relevant enactments as amended by this Act.

(*2*) All legal proceedings pending before a Magistrate or Court on the date on which this Act comes into force shall, if such Magistrate or Court ceases to have jurisdiction in respect of such proceedings under the provisions of the relevant enactments as amended by this Act, stand transferred to the Magistrate or Court having

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, page 656.

jurisdiction under the provisions of the relevant enactments as amended by this Act and shall be heard and disposed of by such Magistrate or Court and such Magistrate and Court shall have all the powers and jurisdiction thereof as if they had been originally instituted before such Magistrate or in such Court.

SCHEDULE.

(*See* section 2.)

PART I—*The Code of Criminal Procedure, 1898.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1898	V	Code of Criminal Procedure, 1898.	1. In section 10— (*i*) in sub-section (*2*)— (*a*) for the words "an Additional District Magistrate" the words "one or more Additional District Magistrates" shall be substituted; and (*b*) for the words "such Additional District Magistrate" the words "an Additional District Magistrate" shall be substituted; (*ii*) after sub-section (*2*) the following sub-section shall be inserted, namely:— "(*3*) For the purposes of sub-section (*3*) of section 192, section 406B and sub-section (*3A*) of section 528, an Additional District Magistrate shall be deemed to be subordinate to the District Magistrate." 2. In sub-section (*2*) of section 13, for the words "any Sub-Divisional Magistrate" the words "one or more Sub-Divisional Magistrates" and for the words "any Taluka Magistrate" the words "one or more Taluka Magistrates" shall be substituted. 3. For section 17A, the following shall be substituted, namely:— "17A. *Subordination of Executive Magistrates.*—(*1*) All Executive Magistrates appointed under section 13 or 14 shall be subordinate to the District Magistrate; and every Taluka Magistrate shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate. (*2*) The District Magistrate may, from time to time, make rules or give special orders consistent with this Code as to the distribution of business among the magistrates subordinate to him and as to allocation of business to an Additional District Magistrate." 4. In section 192, after sub-section (*2*), the following shall be inserted, namely:— "(*3*) Any District Magistrate or Sub-Divisional Magistrate may transfer any case of which he has taken cognizance, for inquiry or trial to any Magistrate subordinate to him and such Magistrate may dispose of the case accordingly."

PART I—*The Code of Criminal Procedure, 1898*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
			5. After section 406A, the following section shall be inserted, namely:— "406B. *Transfer of appeals to Additional District Magistrates.*—The District Magistrate may transfer any appeal presented to him under section 406 or 406A to an Additional District Magistrate, and such Additional District Magistrate may hear and dispose of the appeal." 6 In section 505, in sub-section (*1*), for the words "Magistrate of the First class" the words "Magistrate subordinate to him" shall be substituted. 7. In section 528, after sub-section (*3*), the following sub-section shall be inserted, namely:— "(*3A*) Where the District Magistrate authorised under sub-section (*3*) withdraws any case from any Magistrate subordinate to him, he may inquire into or try such case himself or refer it for inquiry or trial to any other Magistrate subordinate to him and competent to inquire into or try the same."

PART II—*Other Central Acts.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1867	XXV	The Press and Registration of Books Act, 1867.	In section 1, the words "'Magistrate' means any person exercising the full powers of a Magistrate, and includes a Magistrate of Police" shall be deleted.
1886	XI	The Indian Tramways Act, 1886.	1 In section 37, for the words "a Magistrate" wherever they occur, the words "an Executive Magistrate" shall be substitnted; 2 In section 38, for the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
1910	IX	The Indian Electricity Act, 1910.	1 In sub-section (*3*) of section 18, for the words "a Magistrate of the first class" the words "the District Magistrate" shall be substituted; 2 In section 54, for, the words "a Magistrate" the words "an Executive Magistrate" shall be substituted.
1912	IV	The Indian Lunacy Act, 1912.	In section 3, for clause (6) the following shall be substituted, namely:— "(6) 'Magistrate' means in Greater Bombay, Presidency Magistrate and elsewhere, a Magistrate of the first class"

PART II—*Other Central Acts*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1920	.. XXXIII.	The Identification of Prisoners Act, 1920.	In section 5, in the first proviso, for the words "except by a Magistrate of the first class" the words "except by the District Magistrate, a Sub-Divisional Magistrate, a Magistrate of the first class" shall be substituted.
1925	.. XII ..	The Cotton Ginning and Pressing Factories Act, 1925.	In sub-section (*1*) of section 11, for the words beginning with the words "the District Magistrate" and ending with the words "State Government" the words "the Commissioner of Police in Greater Bombay and the District Magistrate, elsewhere" shall be substituted.
1936	.. IV ..	The Payment of Wages Act, 1936.	In sub-section (*1*) of section 15, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
1948	.. XI ..	The Minimum Wages Act, 1948.	In sub-section (*1*) of section 20, for the word "Magistrate" the words "Judicial Magistrate" shall be substituted.
1951	.. LVI ..	The Press (Objectionable Matter) Act, 1951.	In sub-section (2) of section 6, for the words "any Magistrate" the words "any Judicial Magistrate" shall be substituted.

PART III—*Bombay Acts.*

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1888	.. III ..	The Bombay Municipal Corporation Act.	In sub-section (*1*) of section 379A, for the words "Presidency Magistrate" the words "Presidency Magistrate specially empowered by the State Government" shall be substituted.
1892	.. I ..	The Bombay District Vaccination Act, 1892.	In section 23, in sub-section (*1*), for the words "a Magistrate" the words "a Taluka Magistrate" shall be substituted.
1901	.. III ..	The Bombay District Municipal Act, 1901.	1 In sub-section (*1*) of section 86,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrates or Bench of such Magistrates" shall be substituted; and (*ii*) for the words "State Government or of the District Magistrate" the words "Sessions Judge" shall be substituted. 2 In sub-section (*3*) of section 145, for the words "a Magistrate exercising not less than second class powers" the words "a Taluka Magistrate" shall be substituted. 3 In sub-section (*1*) of section 148, for the words "a Magistrate of the first class" the words "a Taluka Magistrate" shall be substituted.

PART III—*Bombay Acts*—contd.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
			4 In section 153, for the words "Magistrate of the first class" the words "Executive Magistrate" shall be substituted. 5 In section 158, for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1923	... VI ...	The Bombay Local Boards Act, 1923.	In section 113,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrate or Bench of such Magistrates" shall be substituted, and (*ii*) for the words "State Government or of the District Magistrate" the words "Sessions Judge" shall be substituted.
1925	... XVIII..	The Bombay Municipal Boroughs Act, 1925.	1 In sub-section (*1*) of section 110,— (*i*) for the words "Magistrate or Bench of Magistrates" the words "Judicial Magistrate or Bench of such Magistrates" shall be substituted; and (*ii*) for the words "District Magistrate" the words "Session Judge" shall be substituted. 2 In sub-section (*3*) of section 180, for the words "a Magistrate exercising not less than second class powers" the words "a Taluka Magistrate" shall be substituted. 3 In sub-section (*1*) of section 183, for the words "a Magistrate of the first class" the words "a Taluka Magistrate" shall be substituted. 4 In section 189, for the words "Magistrate of the first class" the words "Executive Magistrate" shall be substituted. 5 In section 196, for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1938	... XIX ...	The Bombay Probation of Offenders Act, 1938.	In sub-section (*3*) of section 3, the words "or Sub-Divisional Magistrate" shall be deleted.
1947	... LI ...	The Bombay Habitual Offenders Restriction Act, 1947.	In section 11,— (*i*) for sub-section (*1*) the following shall be substituted, namely :— "(1) Where an order of restriction is made against any person, the court or Magistrate making such order or the court or Magistrate to whom an appeal would lie against such order under section 13 may, at any time, on its or his own motion or on an application from such person and for sufficient reasons to be recorded in writing, make an order cancelling or modifying the order of restriction"; (*ii*) sub-section (*3*) shall be deleted.

PART III—*Bombay Acts*—concld.

Year.	Number.	Short title.	Extent of amendment.
1	2	3	4
1948	... LXXI ...	The Bombay Children Act, 1948.	In section 38, for the words beginning with the word "elsewhere" and ending with the words "is situated" the following shall be substituted, namely:— "elsewhere of the court which passes any order under this Act in respect of the child".
1949	... LIX ...	The Bombay Provincial Municipal Corporations Act, 1949.	1 In sub-section (*3*) of section 122, for the words beginning with the words "the Chief Presidency Magistrate" and ending with the words "First Class" the words "the Presidency Magistrate specially empowered by the State Government, in Greater Bombay, and elsewhere, the District Magistrate" shall be substituted. 2 In sub-section (*1*) of section 307, for the words "a Magistrate of the First Class" the words "the District Magistrate" shall be substituted. In sub-section (*2*) of section 433, for the words "nearest Magistrate" the words "nearest Judicial Magistrate" shall be substituted.

BOMBAY ACT No. X OF 1954.[1]

[THE BOMBAY SALES TAX (AMENDMENT) ACT, 1953.]

[*22nd February 1954*]

An Act to amend the Bombay Sales Tax Act, 1953.

Bom. III of 1953. WHEREAS it is expedient to amend the Bombay Sales Tax Act, 1953, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay Sales Tax (Amendment) Act, 1953.

(*2*) This section and sections 2 and 24 shall come into force at once and the remaining sections shall come into force on such day as the State Government may, by notification in the *Official Gazette*, appoint in this befalf.

2. [*Amendments made by sections 2 to 28 have been incorporated in the Bombay Sales Tax Act, 1953.*]

Saving.

29. Nothing in this Act shall be deemed to affect anything done before the day appointed under sub-section (*2*) of section 1 of this Act or any right acquired or any obligation or liability incurred before the aforesaid day or any legal proceedings or remedy in respect of any such right, obligation or liability or assessment levy or recovery of tax or the imposition or recovery of any penalty ; and any such right, obligation, liability or remedy may be enforced and any such legal proceeding may be instituted or continued and any such tax may be assessed, levied or recovered and any such penalty may be imposed or recovered, as if sections 3 to 28 had not come into force.

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, pages 430-432.

BOMBAY ACT No. XI OF 1954.[1]

[THE BOMBAY LOCAL BOARDS (AMENDMENT) ACT, 1954.]

[*5th March 1954*]

An Act to amend the Bombay Local Boards Act, 1923.

Bom. VI of 1923. WHEREAS it is expedient to amend the Bombay Local Boards Act, 1923, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Bombay Local Boards (Amendment) Act, 1954.

2. [*Amendments made by sections 2 to 15 have been incorporated in the Bombay Local Boards Act, 1923.*]

Amendments made by sections 2 and 4 to 7 to apply to elections held on or after 1st March 1955. **16.** The amendments made in the said Act by sections 2 and 4 to 7 (both inclusive) of this Act shall have effect for the purposes of the general elections to be held on or after the first day of March 1955, and for all subsequent elections. For the purposes of any elections held between the period from the date of the comming into force of this Act and the 28th day of February 1955 (both inclusive), the list of voters in force on the date of coming into force of this Act shall continue to operate.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, pages 625-626.

THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.

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PREAMBLE.

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5. Amendment of section 6 of Act VII of 1870.
6. Amendment of section 7 of Act VII of 1870.
7. Insertion of new sections 8A to 8D in Act VII of 1870.
8. Deletion of sections 9 and 10 of Act VII of 1870.
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12. Amendment of Schedule II to Act VII of 1870.
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BOMBAY ACT No. XII OF 1954.[1]

[THE COURT-FEES (BOMBAY AMENDMENT) ACT, 1954.]

[*11th March 1954*]

An Act to amend the Court-fees Act, 1870, in its application to the State of Bombay.

VII of 1870 WHEREAS it is expedient to amend the Court-fees Act, 1870, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Court-fees (Bombay Amendment) Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Further amendment of Act VII of 1870.

VII of 1870. 2. The Court-fees Act, 1870, as amended from time to time in its application to the State of Bombay (hereinafter referred to as "the said Act") is in its application to the said State further amended in the manner hereinafter provided.

Deletion of section 4 of Act VII of 1870.

3. Section 4 of the said Act shall be deleted.

Amendment of heading of Chapter III of Act VII of 1870.

4. In Chapter III of the said Act, for the heading "FEES IN OTHER COURTS AND IN PUBLIC OFFICES", the heading "COMPUTATION OF FEES" shall be substituted.

Amendment of section 6 of Act VII of 1870.

5. (*1*) Section 6 of the said Act shall be re-numbered as sub-section (*1*) of the said section and in the said sub-section so renumbered, the words "Except in the Courts hereinbefore mentioned" shall be deleted and for the words "be paid" the words "has been paid" shall be substituted.

(*2*) After the said sub-section so renumbered, the following shall be added; namely :—

"(*2*) Where any difference arises between the officer whose duty it is to see that any fee is paid under this Act and any suitor or his pleader, as to the necessity of paying a fee on the amount thereof, the question shall, when the question arises in the High Court be referred to the taxing officer whose decision thereon shall be final, except when the question is, in his opinion, one of general importance in which case, he shall refer it to the final decision of the Chief Justice of the High Court or of such Judge of the High Court as the Chief Justice shall appoint either generally or specially in this behalf.

(*3*) When any such difference arises in the City Civil Court, Bombay, the question shall be referred to the Registrar of the City Civil Court except when the question is, in his opinion, one of general importance, in which case, he shall refer it to the final decision of the Principal Judge or such other judge of the said Court as the Principal Judge generally or specially appoints in this behalf.

(*4*) When such difference arises in any other Court, the question shall be referred to the final decision of the Judge presiding over such Court.

(*5*) Nothing in this section shall affect the provisions of the Presidency Small Cause Courts Act, 1882, in its application to the State of Bombay."

XV of 1882.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1953, Part V, page 649.

Amendment of section 7 of Act VII of 1870.

6. In section 7 of the said Act,—

(*i*) clause (*b*) of paragraph (*iv*) shall be deleted;

(*ii*) in paragraph (*iv*), for the words, brackets and letter "with a minimum fee of rupees five in the case of suits falling under clause (*o*)" the following shall be substituted, namely:—

"subject to the provisions of section 8A with a minimum fee of rupees ten in the case of suits falling under clauses (*c*) to (*f*)";

(*iii*) after paragraph (*vi*) the following paragraph shall be inserted, namely:—

"(*vi-a*) In suits for partition and separate possession of a share of joint family property or of joint property, or to enforce a right to a share in any property on the ground that it is joint family property or joint property whether or not the plaintiff is in actual or constructive possession of the property of which he claims to be a co-parcener or co-owner, according to the value of the share in respect of which the suit is instituted."

Explanation.—For the purposes of this paragraph, if the property in which a share is claimed consists of or includes any land assessed to land revenue for the purpose of agriculture, the value of such land shall be deemed to be the value as determined under the proviso to sub-paragraph (*d*) of paragraph (*v*) of this section."

Insertion of new sections 8A to 8D in Act VII of 1870.

7. After section 8 of the said Act, the following sections shall be inserted namely:—

Inquiry as to valuation of suits.

"8A. If the Court is of opinion that the subject-matter of any suit has been wrongly valued it may revise the valuation and determine the correct valuation and may hold such inquiry as it thinks fit for such purpose.

Investigation to ascertain proper valuation.

8B. (*1*) For the purpose of an inquiry under section 8A the Court may depute, or issue a commission to, any suitable person to make such local or other investigation as may be necessary and to report thereon to the Court. Such report and any evidence recorded by such person shall be evidence in the inquiry.

(*2*) The Court may, from time to time, direct such party to the suit as it thinks fit to deposit such sum as the Court thinks reasonable as the costs of the inquiry, and if the costs are not deposited within such time as the Court shall fix, may, notwithstanding anything contained in any other Act, dismiss the suit if such party is the plaintiff or the appellant and, in any other case, may recover the costs as a public demand.

Power of persons making inquiry under sections 8A and 8B.

8C. (*1*) The Court, when making an inquiry under section 8A and any person making an investigation under section 8B shall have, respectively for the purposes of such inquiry or investigation, the powers vested in a Court under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— V of 1908.

(*a*) enforcing the attendance of any person and examining him on oath or affirmation:

(*b*) compelling the production of documents or material objects; and

(*c*) issuing commissions for the examination of witnesses.

(*2*) An inquiry or investigation referred to in sub-section (*1*) shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

XLV of 1860.

8D. If in the result of an inquiry under section 8A the Court finds that the subject-matter of the suit has been undervalued the Court may order the party responsible for the undervaluation to pay all or any part of the costs of the inquiry. Costs of inquiry as to valuation and refund of excess fee.

If in the result of such inquiry the Court finds that the subject-matter of the suit has not been undervalued the Court may, in its discretion, order that all or any part of such costs shall be paid by Government or by any party to the suit at whose instance the inquiry has been undertaken, and if any amount exceeding the proper amount of fee has been paid shall refund the excess amount so paid."

8. Sections 9 and 10 of the said Act shall be deleted. Deletion of sections 9 and 10 of Act VII of 1870.

9. In section 19 of the said Act,— Amendment of section 19 of Act VII of 1870.

(*a*) after paragraph (*i*), the following paragraph shall be inserted, namely:—

"(*ii*) Application for certified copies of documents or for any other purpose in the course of a criminal proceeding presented by or on behalf of the State Government to a criminal Court.";

(*b*) paragraphs (*xiv*), (*xv*), (*xix*) and (*xxiv*) shall be deleted.

10. In Chapter VI of the said Act, before section 33, the following section shall be inserted, namely:— Insertion of new section 31 in Act VII of 1870.

"31. (*1*) When any suit in a Court is settled by agreement of parties before issues have been settled or any evidence recorded, half the amount of the fee paid by the plaintiff on the plaint shall be repaid to him by the Court: Repayment of fee on plaint under certain circumstances.

Provided that no such fee shall be repaid if the amount of fee on the plaint does not exceed five rupees or the claim for repayment is not made within one year from the date on which the suit was settled by agreement.

(*2*) The State Government may, from time to time, by order, provide for repayment to the plaintiffs of any part of the fee paid on plaints by them in suits disposed of under such circumstances and subject to such conditions as may be specified in the order."

Amendment of Schedule I to Act VII of 1870.

11. In Schedule I to the said Act, for articles 1, 2, 6, 7, 8, 9 and 11 and table of *ad valorem* fees, the following shall, respectively, be substituted, namely :—

"*Ad valorem fees.*

Note.—If the fee calculated at the rate shown in the third column comes to a fraction of an anna, the proper fee payable shall be the round figure as shown in the Table of rates of *ad valorem fees* contained in the Schedule.

Number.	——	Proper fee.
1. Plaint, written statement pleading a set off or counter-claim or memorandum of appeal (not otherwise provided for in this Act) or of cross-objection presented to any Civil or Revenue Court.	When the amount or value of the subject-matter in dispute does not exceed five rupees.	Seven annas and six pies.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Seven annas and six pies.
	When such amount or value exceeds one hundred rupees, for every ten rupees, or part thereof, in excess of one hundred rupees, up to one thousand rupees.	Fifteen annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof, in excess of one thousand rupees, up to five thousand rupees.	Six rupees four annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof, in excess of five thousand rupees, up to ten thousand rupees.	Eighteen rupees twelve annas.
	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-eight rupees two annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees, up to thirty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds thirty thousand rupees, for every two thousand rupees, or part thereof, in excess of thirty thousand rupees, up to fifty thousand rupees.	Thirty-seven rupees eight annas.
	When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees:	Thirty-seven rupees eight annas
	Provided that the maximum fee leviable on a plaint or memorandum of appeal shall be twelve thousand and five hundred rupees.	

Ad valorem fees—contd.

Number.		Proper fee.
I of 1877. 2. Plaint in a suit for possession under the Specific Relief Act, 1877, section 9.	....	A fee of one half the amount prescribed in the foregoing scale.
6. Copy or translation of a judgment or order not being, or having the force of a decree.	....	One rupee.
7. Copy of a decree or order having the force of a decree.	When such decree or order is made by any Civil Court other than a High Court, or by any Revenue Court.	Two rupees.
	When such decree or order is made by a High Court.	Five rupees.
II of 1899. 8. Copy of any document liable to stamp-duty under the Indian Stamp Act, 1899, when left by any party to a suit or proceeding in place of the original withdrawn.	(*a*) When the stamp-duty chargeable on the original does not exceed one rupee.	The amount of the duty chargeable on the original.
	(*b*) In any other case ..	One rupee four annas.
9. Copy of any revenue or judicial proceeding or order not otherwise provided for by this Act, or copy of any account, statement, report or the like, taken out of any Civil or Criminal or Revenue Court or Office, or from the office of any chief officer charged with the executive administration of a division.	For every three hundred and sixty words or fraction of three hundred and sixty words.	Ten annas.
11. Probate of a will or letters of administration with or without will annexed.	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, on the part of the amount or value in excess of one thousand rupees, up to ten thousand rupees.	Two and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds ten thousand rupees, on the part of the amount or value in excess of ten thousand rupees, up to fifty thousand rupees.	Three and three quarters per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds fifty thousand rupees, on the part of the amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Five per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one lakh of rupees, on the part of the amount or value in excess of one lakh of rupees, up to two lakhs of rupees	Five and five-eighths per centum.

Ad valorem fees—concld.

Number.	——	Proper fee.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs of rupees, on the part of the amount or value in excess of two lakhs of rupees, up to two lakhs and fifty thousand rupees.	Six and a quarter per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds two lakhs and fifty thousand rupees, on the part of the amount or value in excess of two lakhs and fifty thousand rupees, up to three lakhs of rupees.	Six and seven-eighths per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds three lakhs of rupees, on the part of the amount or value in excess of three lakhs of rupees, up to four lakhs of rupees.	Seven and a half per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds four lakhs of rupees, on the part of the amount or value in excess of four lakhs of rupees, up to five lakhs of rupees.	Eight and one-eighth per centum.
	When the amount or value of the property in respect of which the grant of probate or letters is made exceeds five lakhs of rupees, on the part of the amount or value in excess of five lakhs of rupees :	Eight and three quarters per centum.
	Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under Bombay Regulation VIII of 1827, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of the fee paid in respect of the former grant.	

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Table of rates of ad valorem *fees leviable on the institution of suits.*

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
...	5	0 8	380	390	36 9
5	10	0 15	390	400	37 8
10	15	1 7	400	410	38 7
15	20	1 14	410	420	39 6
20	25	2 6	420	430	40 5
25	30	2 13	430	440	41 4
30	35	3 5	440	450	42 3
35	40	3 12	450	460	43 2
40	45	4 4	460	470	44 1
45	50	4 11	470	480	45 0
50	55	5 3	480	490	45 15
55	60	5 10	490	500	46 14
60	65	6 2	500	510	47 13
65	70	6 9	510	520	48 12
70	75	7 1	520	530	49 11
75	80	7 8	530	540	50 10
80	85	8 0	540	550	51 9
85	90	8 7	550	560	52 8
90	95	8 15	560	570	53 7
95	100	9 6	570	580	54 6
100	110	10 5	580	590	55 5
110	120	11 4	590	600	56 4
120	130	12 3	600	610	57 3
130	140	13 2	610	620	58 2
140	150	14 1	620	630	59 1
150	160	15 0	630	640	60 0
160	170	15 15	640	650	60 15
170	180	16 14	650	660	61 14
180	190	17 13	660	670	62 13
190	200	18 12	670	680	63 12
200	210	19 11	680	690	64 11
210	220	20 10	690	700	65 10
220	230	21 9	700	710	66 9
230	240	22 8	710	720	67 8
240	250	23 7	720	730	68 7
250	260	24 6	730	740	69 6
260	270	25 5	740	750	70 5
270	280	26 4	750	760	71 4
280	290	27 3	760	770	72 3
290	300	28 2	770	780	73 2
300	310	29 1	780	790	74 1
310	320	30 0	790	800	75 0
320	330	30 15	800	810	75 15
330	340	31 14	810	820	76 14
340	350	32 13	820	830	77 13
350	360	33 12	830	840	78 12
360	370	34 11.	840	850	79 11
370	380	35 10	850	860	80 10

Table of rates of ad valorem *fees, etc.*—contd.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
860	870	81 9	4,400	4,500	312 8
870	880	82 8	4,500	4,600	318 12
880	890	83 7	4,600	4,700	325 0
890	900	84 6	4,700	4,800	331 4
900	910	85 5	4,800	4,900	337 8
910	920	86 4	4,900	5,000	343 12
920	930	87 3	5,000	5,250	362 8
930	940	88 2	5,250	5,500	381 4
940	950	89 1	5,500	5,750	400 0
950	960	90 0	5,750	6,000	418 12
960	970	90 15	6,000	6,250	437 8
970	980	91 14	6,250	6,500	456 4
980	990	92 13	6,500	6,750	475 0
990	1,000	93 12	6,750	7,000	493 12
1,000	1,100	100 0	7,000	7,250	512 8
1,100	1,200	106 4	7,250	7,500	531 4
1,200	1,300	112 8	7,500	7,750	550 0
1,300	1,400	118 12	7,750	8,000	568 12
1,400	1,500	125 0	8,000	8,250	587 8
1,500	1,600	131 4	8,250	8,500	606 4
1,600	1,700	137 8	8,500	8,750	625 0
1,700	1,800	143 12	8,750	9,000	643 12
1,800	1,900	150 0	9,000	9,250	662 8
1,900	2,000	156 4	9,250	9,500	681 4
2,000	2,100	162 8	9,500	9,750	700 0
2,100	2,200	168 12	9,750	10,000	718 12
2,200	2,300	175 0	10,000	10,500	746 14
2,300	2,400	181 4	10,500	11,000	775 0
2,400	2,500	187 8	11,000	11,500	803 2
2,500	2,600	193 12	11,500	12,000	831 4
2,600	2,700	200 0	12,000	12,500	859 6
2,700	2,800	206 4	12,500	13,000	887 8
2,800	2,900	212 8	13,000	13,500	915 10
2,900	3,000	218 12	13,500	14,000	943 12
3,000	3,100	225 0	14,000	14,500	971 14
3,100	3,200	231 4	14,500	15,000	1,000 0
3,200	3,300	237 8	15,000	15,500	1,028 2
3,300	3,400	243 12	15,500	16,000	1,056 4
3,400	3,500	250 0	16,000	16,500	1,084 6
3,500	3,600	256 4	16,500	17,000	1,112 8
3,600	3,700	262 8	17,000	17,500	1,140 10
3,700	3,800	268 12	17,500	18,000	1,168 12
3,800	3,900	275 0	18,000	18,500	1,196 14
3,900	4,000	281 4	18,500	19,000	1,225 0
4,000	4,100	287 8	19,000	19,500	1,253 2
4,100	4,200	293 12	19,500	20,000	1,281 4
4,200	4,300	300 0	20,000	21,000	1,318 12
4,300	4,400	306 4	21,000	22,000	1,366 4

Table of rates of ad valorem *fees, etc.*—concld.

When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.	When the amount or value of the subject-matter exceeds—	But does not exceed—	Proper fee.
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
22,000	23,000	1,393 12	32,000	34,000	1,731 4
23,000	24,000	1,431 4	34,000	36,000	1,768 12
24,000	25,000	1,468 12	36,000	38,000	1,806 4
25,000	26,000	1,506 4	38,000	40,000	1,843 12
26,000	27,000	1,543 12	40,000	42,000	1,881 4
27,000	28,000	1,581 4	42,000	44,000	1,918 12
28,000	29,000	1,618 12	44,000	46,000	1,956 4
29,000	30,000	1,656 4	46,000	48,000	1,993 12
30,000	32,000	1,693 12	48,000	50,000	2,031 4

and the fee increases at the rate of thirty-seven rupees eight annas for every five thousand rupees, or part thereof, up to a maximum of twelve thousand and five hundred rupees, for example—

Rs.	Rs. a.	Rs.	Rs. a.
1,00,000	2,406 4	9,00,000	8,406 4
2,00,000	3,156 4	10,00,000	9,156 4
3,00,000	3,906 4	11,00,000	9,906 4
4,00,000	4,656 4	12,00,000	10,656 4
5,00,000	5,406 4	13,00,000	11,406 4
6,00,000	6,156 4	14,00,000	12,156 4
7,00,000	6,906 4	15,00,000	12,500 0
8,00,000	7,656 4		

Amendment of Schedule II to Act VII of 1870.

12. In Schedule II to the said Act, for articles 1 to 7 and articles 10 to 21, the following articles shall be substituted, namely :—

" *Fixed fees.*

Number.		Proper fee.	
1. Application or petition ..	(*a*) When presented to any officer of the Customs or Excise Department or to any Magistrate by any person having dealings with the Government, and when the subject-matter of such application relates exclusively to those dealings; or when presented to any officer of land-revenue by any person holding temporarily settled land under direct engagement with Government, and when the subject-matter of the application or petition relates exclusively to such engagement; or when presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place, if the application or petition relates solely to such conservancy or improvement; or when presented to any Civil Court other than a principal Civil Court of original jurisdiction, or to any Court of Small Causes constituted under the Provincial Small Causes Courts Act, 1887, or to a Collector or other officer of revenue or to a public officer in relation to any suit or case in which the amount or value of the subject-matter is less than fifty rupees, not being an application for assistance under section 86 of the Bombay Land Revenue Code, 1879; or when presented to any Civil, Criminal or Revenue Court, or to any Board or executive officer for the purpose of obtaining a copy or translation of any judgment, decree or order passed by such Court, Board or officer, or of any other document on record in such Court or office.	Three annas.	IX of 1887. Bom. V of 1879.
	(*aa*) When presented to a Collector or other officer of revenue for assistance under section 86 of the Bombay Land Revenue Code, 1879;	Five annas.	Bom V of 1879.
	(*b*) When containing a complaint or charge of any offence other than an offence for which police officers may, under the Criminal Procedure Code, 1898, arrest without warrant, and presented to any Criminal Court;	Ten annas.	V of 1898.

Fixed fees—contd.

Number.	——	Proper fee.
	or when presented to a Civil, Criminal or Revenue Court, or to a Collector, or any Revenue officer or to a public officer having jurisdiction equal or subordinate to a Collector, or to any Magistrate in his executive capacity and not otherwise provided for by this Act; or to deposit in Court revenue or rent; or for determination by a Court of the amount of compensation to be paid by a landlord to his tenant.	
	(*bb*) When presented to any competent authority for the purpose of obtaining a certificate of domicile.	One rupee.
	(*c*) When presented to a Chief Controlling Revenue or Executive Authority, or to a Commissioner of Revenue or Circuit, or to any chief officer charged with the executive administration of a division and not otherwise provided for by this Act.	Two rupees eight annas.
I of 1877.	(*d*) When presented to a High Court— (*i*) under section 45 of the Specific Relief Act, 1877 or for directions, orders or writs under article 226 of the Constitution.	Ten rupees.
	(*ii*) in any other case ..	Five rupees.
1A. Application to any Civil Court that records may be called for from another Court.	When the Court grants the application and is of opinion that the transmission of such records involves the use of the post.	Fifteen annas in addition to any fee levied on the application under clause (*a*), clause (*b*) or clause (*d*) of Article 1 of the Schedule.
1B. First application (other than a petition containing a criminal charge or information) for the summons of a witness or other person to attend either to give evidence or to produce a document, or in respect of the production or filing of an exhibit not being an affidavit made for the immediate purpose of being produced in Court.	....	Eight annas.
2. Application for leave to sue as a pauper.	....	Ten annas.
3. Application for leave to appeal as a pauper.	(*a*) When presented to a District Court ..	One rupee four annas.
	(*b*) When presented to a Commissioner or a High Court.	Two rupees eight annas.

Fixed fees—contd.

Number.		Proper fee.
4. Plaint or memorandum of appeal in a suit to obtain possession under the Mamlatdars' Courts Act, 1906.	....	Ten annas. Bom. II of 1906
5. Plaint or memorandum of appeal in a suit to establish or disprove a right of occupancy.	.....	Ten annas.
6. Bail-bond or other instrument of obligation given in pursuance of an order made by a Court or Magistrate under any section of the Code of Criminal Procedure, 1898, or the Code of Civil Procedure, 1908, and not otherwise provided for by this Act.	.....	One rupee four annas. V of 1898. V of 1908.
6A. Bail-bonds in criminal cases, recognizance to prosecute or give evidence and recognizances for personal appearance or otherwise.	.....	Four annas.
7. Undertaking under section 49 of the Indian Divorce Act, 1869.	.....	One rupee four annas. IV of 1869.
10. Mukhtarnama or Wakalatnama.	When presented for the conduct of any one case—	
	(*a*) to any Civil or Criminal Court other than a High Court, or to any Revenue Court, or to any Collector or Magistrate, or other executive officer;	Two rupees.
	(*b*) to a High Court ...	Three rupees.
11. Memorandum of appeal when the appeal is not from a decree or an order having the force of a decree, and is presented.	(*a*) to any Civil Court other than a High Court, or to any Revenue Court or Executive Officer other than the High Court or Chief Controlling Revenue or Executive Authority;	Ten annas.
	(*b*) to a High Court or Chief Controlling Executive or Revenue Authority.	Two rupees eight annas.
12. *Caveat* ...	When the amount or value of the property involved does not exceed two thousand rupees.	Six rupees four annas.
	when the amount or value of the property involved exceeds two thousand rupees.	Twelve rupees eight annas.
12A. Application for permission to cut timber in Government Forests, or otherwise relating to such forests.	(*a*) When the amount or value of the property exceeds fifty rupees, but does not exceed one hundred rupees.	Eight annas.
	(*b*) When it exceeds one hundred rupees.	One rupee.

Fixed fees—contd.

	Number.		Proper fee.
XXI of 1866.	14. Petition in a suit under the Native Converts' Marriage Dissolution Act, 1866.	.....	Twelve rupees eight annas.
	17. Plaint or memorandum of appeal in each of the following suits :—		
	[1][(*i*) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court.	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
	(*ii*) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates ; and	When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.]
	(*iii*) to obtain a declaratory decree or order, where no consequential relief is prayed ;	.....	Eighteen rupees twelve annas.
	(*iv*) to set aside alienation ;	.....	Eighteen rupees twelve annas.
	(*v*) to set aside a decree or award :	When the amount or value of the property involved does not exceed five hundred rupees.	Twelve rupees eight annas.
		When the amount or value of the property involved exceeds five hundred rupees.	Eighteen rupees twelve annas.
	(*vi*) to set aside an adoption ; and	.....	Thirty rupees.
	(*vii*) any other suit where it is not possible to estimate at a money value the subject-matter in dispute, and which is not otherwise provided for by this Act.	.....	Thirty rupees.
	18 Application—		
X of 1940.	[2][(*a*) under section 20 of the Arbitration Act, 1940 ;		Twelve rupees eight annas.

[1] These clauses and the entries relating thereto were substituted for the original by Bom. 58 of 1954, s. 2, Schedule.

[2] This Clause was substituted for the original, *ibid.*

Fixed fees—concld.

Number.	—	Proper fee.	
(*b*) for probate or letters of administration or for revocation thereof under the Indian Succession Act, 1925;	When the amount or value of the estate does not exceed two thousand rupees.	Two rupees eight annas.	XXXIX of 1925.
	When it exceeds two thousand rupees, but does not exceed five thousand rupees.	Six rupees four annas.	
(*c*) for a certificate under Part X of the Indian Succession Act, 1925, or Bombay Regulation VIII of 1827;	When it exceeds five thousand rupees ...	Twelve rupees eight annas.	XXXIX of 1925.
(*d*) for opinion or advice or for discharge from a Trust, or for appointment of new Trustees under section 34, 72, 73 or 74 of the Indian Trust Act, 1882;	.....	Twelve rupees eight annas.	II of 1882.
(*e*) for the winding up of a Company, under section 166 of the Indian Companies Act, 1913;	.....	Twelve rupees eight annas.	VII of 1913.
(*f*) under rule 58 of Order XXI of the Code of Civil Procedure, 1908, regarding a claim to attached property	When the amount or value of the property exceeds five hundred rupees.	Twelve rupees eight annas.	V of 1908.
19. Agreement in writing stating a question for the opinion of the Court under the Code of Civil Procedure, 1908.	.....	Twenty-five rupees.	V of 1908.
20. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of that Act and every memorandum of appeal under section 55 of that Act.	.....	Thirty-seven rupees eight annas.	IV of 1869.
21. Plaint or memorandum of appeal under the [1][Parsi Marriage and Divorce Act, 1936] or the Bombay Hindu Divorce Act, 1947.	.....	Thirty-seven rupees eight annas.	III of 1936. Bom. XXII of 1947.
22. Petitions under the Indian Christian Marriage Act, 1872, sections 45 and 48.	.....	Two rupees.	XV of 1872.

Repeal of Bom. XV of 1943.

13. The Bombay Increase of Court-fees Act, 1943, is hereby repealed. Bom. XV of 1943.

[1] These words and figures were substituted for the words and figures "Parsi Marriage and Divorce Act", 1865, by Bom. 58 of 1954, s. 2, Schedule.

THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1954.

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BOMBAY ACT No. XIII OF 1954.[1]

[THE BOMBAY (SUPPLEMENTARY) APPROPRIATION ACT, 1954.]

[*19th March 1954*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1954, and for the purpose of authorising payment of the said sums; It is hereby enacted as follows:—

1. This Act may be called the Bombay (Supplementary) Appropriation Act, 1954. Short title

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rupees 8,36,57,324 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1954, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 8,36,57,324 out of the Consolidated Fund of the State of Bombay for the year 1953-54.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1954. Appropriation.

Schedule.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7—Land Revenue ..	30	19,871	19,901
2	State Excise ..	8—State Excise ..	10	3,873	3,883
3	Stamps ..	9—Stamps ..	25,000	....	25,000
4	Registration ..	11—Registration ..	1,21,000	....	1,21,000

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 153.

Schedule—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
5	Charges on account of Motor Vehicles Acts.	12—Charges on account of Motor Vehicles Acts.	37,000	18,07,090	18,44,090
6	Other Taxes and Duties.	13—Other Taxes and Duties.	7,42,540	23,00,000	30,42,540
7	Interest on works for which Capital accounts are kept—Irrigation Works.	17—Interest on works for which Capital accounts are kept—Irrigation Works.	....	11,13,000	11,13,000
8	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, and 18—Other revenue expenditure financed from ordinary revenues.	68,61,620	7,245	68,68,865
9	Interest on debt and other obligations.	22—Interest on debt and other obligations.	....	40	40
10	Appropriation for Reduction or Avoidance of Debt.	23—Appropriation for Reduction or Advoidance of Debt.	....	3,76,114	3,76,114
11	General Administration.	25—General Administration.	130	10	140
12	Administration of Justice.	27—Administration of Justice.	50,040	....	50,040
13	Jails and Convict Settlements.	28—Jails and Convict Settlements.	9,94,000	....	9,94,000
14	Police ..	29—Police ..	140	....	140
15	Ports and Pilotage ..	30—Ports and Pilotage.	20,010	....	20,010
16	Dangs District ..	33-A, Dangs District.	20	....	20
17	Scientific Departments.	36—Scientific Departments.	2,03,000	....	2,03,000
18	Education ..	37—Education ..	10,35,110	....	10,35,110
19	Medical ..	38—Medical ..	13,91,780	....	13,91,780
20	Public Health ..	39—Public Health ..	40	....	40
21	Agriculture ..	40—Agriculture ..	1,74,96,290	....	1,74,96,290

Schedule—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
22	Veterinary ..	41—Veterinary ..	1,18,010	....	1,18,010
23	Co-operation ..	42—Co-operation ..	66,500	....	66,500
24	Industries ..	43—Industries ..	5,88,540	....	5,88,540
25	Miscellaneous Departments (except Labour).	47—Miscellaneous Departments.	70	1,713	1,783
26	Civil Works ..	50—Civil Works ..	240	56,022	56,262
27	Other Revenue Expenditure connected with Multipurpose River Schemes.	51-B—Other Revenue Expenditure connected with Multipurpose River Schemes.	3,26,300	....	3,26,300
28	Electricity Schemes .	XLI—Receipts from Electricity Schemes. —Deduct—working Expenses.	26,50,810	....	26,50,810
29	Famine ..	54—Famine ..	73,65,000	8,68,000	82,33,000
30	Territorial and Political Pensions of Indian Rulers.	54-A—Territorial and Political Pensions of Indian Rulers.	62,576	....	62,576
31	Superannuation Allowances and Pensions.	55—Superannuation Allowances and Pensions.	11,73,000	46,000	12,19,000
32	Stationery and Printing.	56—Stationery and Printing.	10	....	10
33	Miscellaneous ..	57—Miscellaneous ..	1,39,64,314	1,82,011	1,41,46,325
34	Community Development Projects.	63-B—Community Development Projects.	32,28,580	....	32,28,580
35	Civil Defence ..	64-B—Civil Defence	2,152	....	2,152
		Total expenditure on Revenue Account (including Revenue Expenditure and Capital Expenditure within Revenue Accounts).	5,85,23,862	67,80,989	6,53,04,851
36	Irrigation	68—Construction of Irrigation, Navigation, Embankment and Drainage Works.	40	....	40

Schedule—contd.

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total.
1	2	3	4		
			Rs.	Rs.	Rs.
37	Public Health ..	70—Capital Outlay on improvement of Public Health.	10	....	10
38	Agricultural Improvement and Research.	71—Capital Outlay on Schemes of Agricultural Improvement and Research.	10	....	10
39	Industrial Development.	72—Capital Outlay on Industrial Development.	16,00,000	....	16,00,000
40	Civil Works ..	81—Capital Account of Civil Works outside the Revenue Account.	20	23,394	23,414
41	Electricity Schemes .	81-A—Capital Outlay on Electricity Schemes.	30	....	30
42	Housing for Displaced Persons and Milk Scheme.	82—Capital Account of other State Works outside the Revenue Account.	50	2,415	2,465
43	Payments to Retrenched Personnel.	85—Payments to Retrenched Personnel.	10,000	....	10,000
44	Schemes of State Trading.	85-A—Capital Outlay on State Schemes of State Trading.	20	1,96,988	1,97,008
		Total Capital expenditure outside the Revenue Account.	16,10,180	2,22,797	18,32,977
45	Permanent Debt ..	Permanent Debt ..	....	10,54,900	10,54,900
46	Loans and Advances by State Government.	Loans and Advances by State Government.	1,50,80,100	14,382	1,50,94,482
47	Loans from the Central Government.	Loans from the Central Government.	....	3,70,114	3,70,114
		Total Disbursements under Debt Heads.	1,50,80,100	14,39,396	1,65,19,496
		Grand Total ..	7,52,14,142	84,43,182	8,36,57,324

THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.

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BOMBAY ACT No. XIV OF 1954.[1]

[THE BOMBAY NURSES, MIDWIVES AND HEALTH VISITORS ACT, 1954.]

[*23rd March 1954*]

Amended by Bom. 2 of 1955.

An Act to amend and consolidate the law relating to Nurses, Midwives and Health Visitors in the State of Bombay.

WHEREAS it is expedient to amend and consolidate the law relating to nurses, midwives and health visitors in the State of Bombay; It is hereby enacted as follows :—

PART I.

Preliminary.

Short title, extent, commencement and application.

1. (*1*) This Act may be called the Bombay Nurses, Midwives and Health Visitors Act, 1954.

(*2*) It shall extend to the whole of the State of Bombay.

(*3*) Parts, I, II, III, V, VI and VII of this Act shall come into force at once in the whole of the State of Bombay and shall apply to all persons referred to therein. Part IV shall come into force on such date and shall apply to such class of persons only in such areas as the State Government may by notification in the *Official Gazette* appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "affiliated institution" means an institution for the nursing of the sick, maternity or child welfare, which may be affiliated to the Council in accordance with the by-laws ;

(*b*) "by-law" means a by-law made by the Council under section 30 ;

(*c*) "Council" means the Bombay Nursing Council constituted under section 3 ;

(*d*) "institution" includes any association, which maintains or controls a nurses establisl ment ;

(*e*) "licensing authority" in the case of a municipal area means the municipal corporation or the municipality established for such area and in the case of any other area the district local board established for such area :

Provided that the State Government may by notification in the *Official Gazette* in respect of any area specify any other authority as the licensing authority for such area ;

(*f*) "list" means a list of nurses, midwives and health visitors prepared and kept under section 17 ;

(*g*) "nurse" includes a malo nurse [2][and an auxiliary nurse and midwife] ;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, pages 98-99.

[2] These words were added by Bom. 2 of 1955, s. 3, Second Schedule.

(*h*) "nurses establishment" means any establishment whether carried on for gain or not, which provides for or is intended to provide the services of persons to act as nurses, midwives or health visitors to those requiring such services ;

(*i*) "prescribed" means prescribed by rules ;

(*j*) "register" means a register maintained under section 12 and the expressions "registered" and "registration" shall be construed accordingly ;

(*k*) "registered medical practitioner" means a person registered under the Bombay Medical Act, 1912, or registered or entered on the list under the Bombay Medical Practitioners' Act, 1938, or a person whose name is entered in Part A or Part B of the register of practitioners maintained under the Bombay Homoeopathic Act, 1951 ; Bom. VI of 1912. Bom. XXVI of 1938. Bom. XLV-III of 1951.

(*l*) "rule" means a rule made by the State Government under section 29.

PART II.

The Bombay Nursing Council.

Establishment, incorporation and constitution of Council.

3. (*1*) The State Government may, by notification in the *Official Gazette*, establish a Council to be called "the Bombay Nursing Council" for the purpose of carrying out the provisions of this Act. Such Council shall be a body corporate and have perpetual succession and a common seal and may, by the same name, sue and be sued.

(*2*) The Council shall consist of the following twenty-two members,—

(*a*) as *ex-officio* members,—

(*i*) the Surgeon-General with the Government of Bombay ;

(*ii*) the Director of Public Health for the Government of Bombay ;

(*iii*) the Superintendent of Nursing Services, Government of Bombay :

(*b*) as elected members,—

(*i*) one by nurses, midwives and health visitors registered in the register under each of the following regions, namely :—

(*a*) Greater Bombay ;

(*b*) Northern Division ;

(*c*) Central Division ; and

(*d*) Southern Division ;

(*ii*) two persons to be elected by the heads of the affiliated institutions ;

(*iii*) five persons to be elected as follows :—

(*a*) two, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated in Greater Bombay ;

(*b*) three, by the matrons of the affiliated institutions which have declared in the prescribed manner their principal office to be situated elsewhere in the State of Bombay ;

(*iv*) two persons to be elected by the sister tutors of the affiliated institutions and the heads of Nursing Colleges recognised by the Council in this behalf ;

(*v*) one person to be elected by the Bombay Medical Council ;

(*vi*) one person to be elected by the Co-ordination Committee (by whatever name called) of the local branches in the State of Bombay of the Indian Medical Association ;

(*vii*) one person to be elected by the members of the Faculties of Nursing and, where there are no Faculties of Nursing, by the members of the Faculties of Medicine of the Universities established by law in the State of Bombay, which confer a degree in Nursing ;

(*c*) as nominated members, three persons to be nominated by the State Government.

(*3*) The President and Vice-President of the Council shall be elected from among the members of the Council.

(*4*) The election of the President and Vice-President shall, subject to the provisions of this Act, be held at such time and place and in such manner as may be prescribed by rules made in this behalf.

Appointment of members in default of election.

4. If any of the institutions referred to in section 3 does not, by such date as may be prescribed, elect a person to be a member of the Council, the State Government shall, by order in writing, appoint to the vacancy a person qualified for election thereto ; and the person so appointed shall be deemed to be a member of the Council as if he had been duly elected by the said institution.

Period of office of members.

5. (*1*) The members of the Council, other than the *ex-officio* members specified in clause (*a*) of sub-section (*2*) of section 3, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated whichever is longer and shall be eligible for re-election or re-nomination, as the case may be.

(*2*) Any such member may at any time resign his appointment by letter addressed to the President of the Council.

Vacancy.

6. When a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed. Any person elected or nominated to fill a casual vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

Vacancy not to affect proceedings.

7. If a vacancy in the office of a member of the Council has occurred, the continuing members thereof shall act as if no vacancy had occurred, and no act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

Disqualifications.

8. No person shall be a member of the Council—

(*a*) who has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months or to transportation, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is

hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence, or

(*b*) who is an undischarged insolvent, or

(*c*) who has been adjudicated by a competent court to be of unsound mind, or

(*d*) whose name has been removed from the register.

Disabilities from continuing as member.

9. (*1*) If any member, during the period for which he has been elected or nominated,—

(*a*) absents himself without excuse, sufficient in the opinion of the Council, from three consecutive ordinary meetings of the Council; or

(*b*) is absent out of India for a period exceeding eight consecutive months; or

(*c*) becomes subject to any of the disqualifications specified in section 8; or

(*d*) having been elected by the Bombay Medical Council, ceases to be a registered medical practitioner;

the President of the Council shall forthwith report the fact to the State Government, which shall thereupon, by an order in writing, declare his seat to be vacant.

(*2*) If any question arises whether a vacancy has occurred under sub-section (*1*), the orders of the State Government shall be final for the decision of such question.

Leave of absence to members.

10. The Council may permit any member to absent himself from the meetings of the Council for any period not exceeding six months.

Elections to be held by distributive system of voting.

11. All elections under this Act shall be made according to the distributive system of voting.

Explanation.—The distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled :

Provided that no voter shall give more than one vote to any one candidate :

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

PART III.

Registration.

Maintenance of register.

12. The Council shall maintain a register of (*a*) nurses, (*b*) midwives, and (*c*) health visitors, consisting of four sections, one each for the following regions, namely,—

(1) Greater Bombay,

(2) Northern Division,

(3) Central Division,

(4) Southern Division,

in such form, containing such particulars and divided into such parts as may be prescribed.

Persons entitled to registration

13. (*1*) Persons who have undergone such courses of training, have passed such examinations and who fulfil such other conditions as may be prescribed shall, on payment of the prescribed fee and on making an application in the prescribed form, be entitled to registration.

(*2*) Such person shall specify in the application the region in which he desires to be registered and shall not be entitled to be registered in more than one region :

Provided that if the person fails to specify the region in which he should be registered, the Council shall have the power to enter his name in such region as may be prescribed by by-laws.

Refusal of registration and removal and re-entry of names.

14. (*1*) Subject to such conditions as may be prescribed, the Council may, after giving an opportunity to the person concerned to be heard in his defence and after holding an inquiry in the prescribed manner, refuse to enter in the register the name of any person or may order the removal of the name of such person from the register.

(*2*) The order passed under sub-section (*1*) shall be in writing and shall be served on the person concerned in the prescribed manner.

(*3*) The Council may direct that the name of any person against whom an order under sub-section (*1*) has been passed shall be entered or re-entered in the register, as the case may be.

Appeal from order under section 14.

15. (*1*) Any person aggrieved by any order of the Council made under section 14 may, within three months from the date on which such order is served, appeal against such order to the State Government.

(*2*) The order of the State Government on any such appeal shall be final.

Renewal fee.

16. (*1*) Notwithstanding anything contained in section 13, the Council may direct that for every five years a renewal fee of such amount as may be approved by the State Government shall be paid by each person registered under the Act for the continuance of his name on the register.

(*2*) If the renewal fee is not paid before the date fixed by the Council, the Council shall remove the name of the defaulter from the register :

Provided that the name so removed may be re-entered in the register on payment of the renewal fee in such manner and subject to such conditions as the Council may by by-laws direct.

Maintenance of list of persons practising as nurses, midwives and health visitors.

17. (*1*) The Council shall prepare and keep a list of persons whose names are not entered in the register maintained under section 12 and who are practising as nurses, midwives and health visitors. The list shall be divided into such parts as may be determined by the Council.

(*2*) Every person not being qualified for registration under this Act, who, within the period of two years from the date on which this Part comes into force, proves to the satisfaction of the Council that he has been in regular practice as a nurse, midwife or health visitor and fulfils such other conditions as may be determined by the Council shall on payment of the prescribed fee be entitled to have his name entered in the list :

Provided that any person whose name has been removed from the register maintained under this Act or under any other law for the time being in force in any other part of India or from the register of any other country for infamous conduct in any professional respect shall not be entitled to have his name entered in the list.

(*3*) The provisions of sections 14 and 15 shall *mutatis mutandis* apply to this list.

PART IV.

Nurses, midwives and health visitors entitled to practise and control of licensing authorities.

Persons not registered or on the list not to practise as nurse etc.

18. (*1*) No person other than a person registered under this Act or a person whose name is entered in the list shall practise or hold himself out, whether directly or by implication, as practising habitually or for personal gain as a nurse, midwife or health visitor.

(*2*) Any person who acts in contravention of the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence, and to Rs. 300 for any subsequent offence.

Conditions on practice in certain areas.

19. (*1*) Notwithstanding anything contained in section 18 a person whose name has been entered in the list shall not practise as a nurse, midwife or health visitor in an area within the limits of a municipal corporation or a municipal borough or an area notified under sub-section (*2*), unless he—

(*a*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of five years prior to the date on which this section has come into force, or

(*b*) has been in regular practice as a nurse, mid-wife or health visitor for a continuous period of two years prior to the date on which this section has come into force and produces a certificate from an institution signed by the Matron, Medical Superintendent or other responsible officer of such institution that such person has received the training as a nurse, mid-wife or health visitor in a prescribed manner.

(*2*) The State Government may, after consultation with the local board of a district by a notification in the *Official Gazette*, direct that the provisions of sub-section (*1*) shall apply on such date as may be specified therein to any other area in the district, subject to such adaptations and modifications as it may consider suitable having regard to the local conditions of the area.

Licensing authority to exercise general supervision.

20. (*1*) Subject to the provisions of this Act and the rules and by-laws made in this behalf, every licensing authority shall exercise general supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction.

(*2*) The licensing authority may authorise any of its officers to perform any of the duties and to exercise any of the powers conferred on it by this section and section 21.

Notice to licensing authority before commencement of practice.

21. (*1*) Every person registered under this Act or every person whose name has been entered in the list if he intends to continue to practise after the date on which this Part comes into force in any area or if either of such persons intends to practise in such area as a nurse, midwife or health visitor, he shall give notice in writing to the licensing authority and shall give a like notice to the said authority in the month of January every five years, thereafter during the period he continues to practise within the said area.

(*2*) Every such notice shall contain such particulars and shall be in such form as may be determined by the Council.

(*3*) Any person who fails to comply with the provisions of sub-sections (*1*) and (*2*) shall, on conviction, be punished with fine which may extend to Rs. 25 for the first offence, to Rs. 50 for the second offence and to Rs. 100 for any subsequent offence.

(*4*) Any person who knowingly or wilfully makes or causes or procures any other person to make any false statement in any notice under this section shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence, to Rs. 200 for the second offence and to Rs. 300 for any subsequent offence.

PART V.

Nurses Establishments.

Regulation of nurses establishments.

22. (*1*) No person shall carry on any nurses establishment, except under a valid licence granted by the licensing authority and in accordance with the terms and conditions specified in such licence, which shall be such as may be approved by the Council.

(*2*) Any person who desires to carry on any nurses establishment shall apply to the licensing authority for a licence before such date and in such manner and in such form as may be prescribed. He shall along with the application pay to the licensing authority the prescribed fee, half of which shall be refunded to him if the licence is not granted.

(*3*) The licensing authority may before granting such licence impose such additional conditions as it may think fit for securing the proper conduct of the establishment.

(*4*) The licensing authority may, after giving an opportunity to the person concerned of being heard, refuse to grant any licence or revoke any licence already granted, if—

(*i*) the applicant or the holder of the licence is below 21 years or is in its opinion not a suitable person to hold such licence ; or

(*ii*) the premises of the establishment are not suitable ; or

(*iii*) any offence under this section has been committed in respect of the establishment.

(*5*) Any person aggrieved by any of the conditions imposed by the licensing authority or by the refusal or revocation of any licence may appeal within three months of such imposition, refusal or revocation to the State Government. The memorandum of appeal shall be accompanied by such fee as may be prescribed. The decision of the State Government on such appeal shall be final.

(*6*) The licensing authority may authorise any of its officers to perform any of the duties conferred on it by this section.

(*7*) Any officer duly authorised by the licensing authority in this behalf may at all reasonable times enter the premises specified in any licence or application for licence or any premises which are used, or which the officer has reasonable cause to believe are used, for the purpose of, or in connection with, the nurses establishment and inspect the premises and any records relating to such establishment as may be kept thereon.

(*8*) The Council may also exercise the powers of entry and inspection conferred by sub-section (*7*) through any of its officers authorised by it in this behalf. If the Council is of opinion that in any case the licence should be refused or revoked, it shall report the matter to the State Government. On receipt of such report, the State Government may after consultation with the licensing authority or after making such inquiry as it deems fit pass orders refusing or revoking the licence. Such orders shall be final.

(*9*) Any person who contravenes the provisions of sub-section (*1*) shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

(*10*) Any person who refuses any duly authorised officer of the licensing authority or any such officer of the Council to enter or inspect any premises or to inspect any records under sub-section (*7*) or (*8*), as the case may be, or obstructs such officer in the exercise of his aforesaid powers shall, on conviction, be punished with fine which may extend to Rs. 50 for the first offence and for any subsequent offence with fine which may extend to Rs. 100 or with simple imprisonment for a term which may extend to three months or with both.

(*11*) Any person who makes or causes to be made or knowingly allows to be made any entry in a record to be kept under this section, which he knows to be false in any material particular for any of the purposes of this Act or who makes, produces or furnishes, or knowingly allows to be made, produced or furnished any statement, record or information which he knows to be false in any material particular for the purpose of obtaining a licence under this section or for any other purposes of this Act shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 1,000 or with imprisonment for a term which may extend to six months or with both.

(*12*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

PART VI.

Training Institutions.

Training Institutions.

23. (*1*) The institutions which are approved and recognised by the Council after inspection by its representative shall be competent to train nurses, midwives or health visitors, and to send them for examination for the qualifying certificates of the Council.

(*2*) The Council may withdraw recognition from any such institution after its inspection by a representative of the Council. The order of such withdrawal shall be in writing and shall be served in the prescribed manner.

(*3*) No school, hospital or other institution which is not approved and recognised under this section shall issue to any person a certificate or enter the name of any person in any document purporting to show that such person is qualified by reason of his having passed any examination or undergone any course of training to practise as a nurse, midwife or health visitor, unless his name is registered or entered in the list under this Act.

(*4*) Any person who contravenes the provisions of sub-section (*3*) shall, on conviction, be punished with fine which may extend to Rs. 300.

(*5*) Where a person committing an offence under this section is a company or other body corporate or an association of persons (whether incorporated or not), every person who at the time of the commission of the offence was a director, manager, secretary, agent or other officer or person concerned with the management thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

Appeal against refusal to recognise institutions.

24. Any person aggrieved by the refusal of the Council to approve and recognise any institution as competent to train nurses, midwives or health visitors may appeal, within three months from the date of such refusal, to the State Government against such order of refusal. The decision of the State Government on any such appeal shall be final.

PART VII.

Miscellaneous.

Removal of names from register on notice of death.

25. Every Registrar of Births and Deaths who receives notice of the death of any person whose name he knows to be or has reason to believe is entered in any register, shall forthwith transmit by post to the Council a certificate of registration of such death signed by him and stating the time and place of death; and thereupon the name of such person shall be removed from the register.

Penalty for dishonest use of certificate.

26. Any person who—

(*a*) dishonestly makes use of any certificate of registration issued under the provisions of this Act to him or to any other person,

(*b*) procures or attempts to procure registration under the provisions of this Act by making or producing, or causing to be made or produced any false or fraudulent declaration, certificate or representation, whether in writing or otherwise, or

(*c*) wilfully makes or causes to be made any false representation in any matter relating to the register or certificate issued under the provisions of this Act,

shall, on conviction, be punished with fine which may extend to Rs. 250 for the first offence and for any subsequent offence with fine which may extend to Rs. 500 or with simple imprisonment for a term which may extend to six months or with both.

Penalty for unlawful assumption of title of registered nurse, midwife or health visitor.

27. Any person who, not being a registered nurse, midwife or health visitor, takes or uses the name or title of registered nurse, midwife or health visitor, or uses any name, title, description, prescribed uniform, object or sign-board with the intention that it may be believed, or with the knowledge that it is likely to be believed that such person is a registered nurse, midwife or health visitor shall, on conviction, be punished with fine which may extend to Rs. 100 for the first offence and for any subsequent offence with fine which may extend to Rs. 200 or with simple imprisonment for a term which may extend to three months or with both.

Court competent to try offences under Act.

28. No court other than a Presidency Magistrate or a Magistrate of the First Class shall take cognizance of or try any offence under this Act.

Power of State Government to make rules.

29. (*1*) The State Government may, after previous publication, make rules to carry out all or any of the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules—

(*a*) prescribing the manner in which elections and nominations of members of the Council and the elections of the President and Vice-President shall be made and casual vacancies shall be filled under section 6 ;

(*b*) prescribing the form in which a register shall be kept, the particulars to be entered in such register, and the parts in which such register shall be divided under section 12 ;

(*c*) prescribing the courses of training and examinations [1][(including those for auxiliary nurses and midwives)] entitling a person to registration, the fee payable on application for registration, the form in which such applications shall be made, and the conditions subject to which names shall be entered in the register under section 13 ;

(*d*) prescribing the causes for which, the conditions under which, and the manner in which the names of nurses, midwives and health visitors may be removed or re-entered in the register under section 14 and the manner in which the order of removal or refusal shall be served on such persons ;

(*e*) the course of instruction for and the manner in which training is required to be received by a person as a nurse, midwife or health visitor for the purpose of section 19 ;

[1] These brackets and words were inserted by Bom. 2 of 1955, s. 3, Second Schedule.

(*f*) prescribing the matters and manner in which and the conditions under which a licensing authority shall exercise supervision and control over the nurses, midwives and health visitors practising within the area under its jurisdiction under section 20;

(*g*) the date before which and the manner and form in which application for a licence for any nurses establishment shall be made under section 22 ;

(*h*) the manner in which an order of withdrawal or recognition of an institution shall be served under section 23 ;

(*i*) prescribing the fees payable for entering the name of any person in the list under sub-section (*2*) of section 17 and in respect of an appeal under section 15 or 24 ; and

(*j*) any matter which is to be or may be prescribed.

Power of Council to make by-laws.

30. (*1*) The Council may make by-laws not inconsistent with this Act or the rules—

(*a*) for regulating the compilation, maintenance and publication of the register or list and the conditions of admission to the register or list;

(*b*) for regulating the conduct of any examinations which may be prescribed as a condition of admission to the register and any matter ancillary to or connected with such examinations, including the courses of training which the candidates appearing for the examinations shall undergo;

(*c*) for determining the manner in which the list shall be maintained, the conditions which shall be fulfilled by persons whose names are to be entered in the list, the qualifying examination to be passed by persons whose names are entered in the list and for regulating the conduct of such examinations;

(*d*) for the approval of any institution for the purpose of such training and the granting of diplomas to candidates passing the examinations;

(*e*) for regulating the conditions under which institutions for nursing the sick, maternity or child welfare may be affiliated to the Council;

(*f*) for appointing a Registrar and such other servants as may be necessary;

(*g*) for regulating the pay, pension, conduct and other conditions of service of persons appointed under clause (*f*);

(*h*) for establishing a provident fund for the benefit of the employees of the Council and of affiliated institutions and regulating its administration;

(*i*) for regulating and supervising the practice of their profession by registered nurses, midwives and health visitors and by persons whose names are entered in the list;

(*j*) for regulating the publication of the names of registered nurses, midwives and health visitors and of persons whose names are entered in the list and their residence;

(*k*) for regulating the conditions under which such nurses, midwives and health visitors registered in other States or other countries may be admitted to the register, on such other States and countries granting reciprocal registration to persons registered on the register of the Council;

(*l*) for determining the form and the manner in which notices under section 21 shall be given ;

(*m*) for determining the manner of inspection of the nurses establishments by the Council, the statements to be furnished and records to be maintained by such establishments ;

(*n*) for regulating the summoning of meetings of the Council and its proceedings ;

(*o*) for determining the manner in which all fees levied under this Act and all moneys received by the Council shall be accounted for, audited and applied for the purposes of this Act, and for regulating the expenditure of the Council generally ;

(*p*) for prescribing the travelling and other expenses payable to the members of the Council or of committees ;

(*q*) for the transfer of names of persons registered from one region to another region ; and

(*r*) generally for the provision of any matters in respect of which the Council considers provision should be made for the purposes of this Act.

(*2*) No by-law made by the Council shall come into force until it has been confirmed by the State Government, with or without modification or amendment.

(*3*) All by-laws made under this section shall be published in the *Official Gazette*.

Protection of persons acting in good faith, under the Act, rules or by-laws.

31. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, rules or by-laws.

Control.

32. (*1*) If at any time it shall appear to the State Government that the Council has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person and for such period as it may think fit and thereupon the funds and property of the Council shall vest in the State Government for the purposes of this Act until a new Council shall have been constituted under section 3.

(*2*) When the State Government has dissolved the Council under sub-section (*1*), it shall take steps as soon as may be convenient to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (*1*) shall revest in the Council so constituted.

(*3*) Notwithstanding anything contained in this Act, rules or by-laws, if, at any time, it shall appear to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding 6 months and subject to such conditions as it thinks fit.

Bom VII of 1935. **33.** (*1*) The Bombay Nurses, Midwives, and Health Visitors Registration Act, 1935, is hereby repealed. Repeal

(*2*) Nothing in sub-section (*1*) shall affect the composition of the Council as constituted under the Act so repealed (hereinafter referred to as the said Act) immediately before the date of the coming into force of this Part (hereinafter referred to as the said date) and any casual vacancy in the office of a member, President or Vice-President of the Council before the expiry of its term shall, subject to the provisions of the said Act, be filled as if Parts I, II and VII of this Act had not come into force :

Provided that the Council as constituted under the said Act shall be deemed to have been constituted under Part II of this Act and shall continue to exercise the powers and perform the duties of the Council under this Act until the expiry of the term for which it was so constituted.

(*3*) (*a*) The nurses, midwives and health visitors who immediately before the said date were enrolled on the register maintained under the said Act shall be deemed to be registered in the appropriate regions and parts of the register maintained under this Act.

(*b*) The institutions which immediately before the said date were approved and recognised by the Council to train nurses, midwives or health visitors or were affiliated institutions under the said Act shall be deemed to be likewise approved and recognised institutions or affiliated institutions, as the case may be, under this Act.

(*4*) Every appointment, order, rule, by-law, form, notification or notice made, issued or given under the said Act, in so far as it is not inconsistent with the provisions of this Act, shall continue to be in force and be deemed to have been made, issued or given under the provisions of this Act, unless and until it is superseded by any appointment, order, rule, by-law, form, notification or notice made, issued or given under this Act.

(*5*) Nothing in sub-section (*1*) shall affect any legal proceeding or remedy in respect of any right, title, interest, obligation or liability or anything done or suffered before the said date and any such proceeding shall be continued and disposed of as if this Act was not passed.

(*6*) Any reference to the Bombay Nurses, Midwives and Health Visitors Council in any law for the time being in force shall be construed as a reference to the Bombay Nursing Council.

THE BOMBAY APPROPRIATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Issue of Rs. 1,93,37,63,849 out of the Consolidated Fund of the State of Bombay for the year 1954–55.

3. Appropriation.

SCHEDULE.

BOMBAY ACT No. XVII OF 1954.[1]

[THE BOMBAY APPROPRIATION ACT, 1954.]

[*31st March 1954*]

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of article 204 of the Constitution of India it is necessary to provide for the passing of an Appropriation Act for the appropriation of sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955 ; and for the purpose of authorising payment of the said sums ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Appropriation Act, 1954. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there may be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the Sum of Rupees 1,93,37,63,849 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule to this Act. Issue of Rs. 1,93,37,63,849 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March 1955. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3	4		
			Rs.	Rs.	Rs.
1	Land Revenue ..	7, Land Revenue ..	2,17,64,910	....	2,17,64,910
2	State Excise ..	8, State Excise ..	32,05,400	....	32,05,400
3	Stamps ..	9, Stamps ..	5,78,000	....	5,78,000
4	Forest ..	10, Forest ..	1,22,48,900	33,000	1,22,81,900
5	Registration ..	11, Registration ..	15,54,000	....	15,54,000
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	18,46,600	2,00,41,400	2,18,88,000
7	Other Taxes and Duties.	13, Other Taxes and Duties.	47,12,000	1,46,85,000	1,93,97,000

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 168.

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SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3	4		
			Rs.	Rs.	Rs.
8	Interest on works for which Capital accounts are kept—Irrigation Works.	17, Interest on works for which capital accounts are kept—Irrigation Works.	....	1,22,28,000	1,22,28,000
9	Irrigation (including working expenses).	XVII—*Deduct*—Working expenses, 18. Other revenue expenditure financed from ordinary revenue and 19, Construction of Irrigation, Navigation, Embankment and Drainage Works.	1,04,92,000	....	1,04,92,000
10	Interest on debt and other obligations.	22, Interest on debt and other obligations.	....	2,93,90,000	2,93,90,000
11	Appropriation for reduction or avoidance of debt.	23, Appropriation for reduction or avoidance of debt.	....	2,66,89,000	2,66,89,000
12	General Administration.	25, General Administration.	5,96,68,460	9,66,000	6,06,34,460
13	Administration of Justice.	27, Administration of Justice.	1,89,51,040	21,11,400	2,10,62,440
14	Jails and Convict Settlements.	28, Jails and Convict Settlements.	1,00,55,000	....	1,00,55,000
15	Police ..	29, Police ..	9,18,29,370	....	9,18,29,370
16	Ports and Pilotage ..	30, Ports and Pilotage	15,09,000	....	15,09,000
17	Dangs District ..	33-A, Dangs District ..	55,72,700	....	55,72,700
18	Scientific Departments.	36, Scientific Departments.	6,74,000	....	6,74,000
19	Education ..	37, Education ..	14,15,49,415	....	14,15,49,415
20	Medical ..	38, Medical ..	2,91,97,450	....	2,91,97,450
21	Public Health ..	39, Public Health ..	2,97,33,270	....	2,97,33,270
22	Agriculture ..	40, Agriculture ..	2,81,55,091	....	2,81,55,091
23	Veterinary ..	41, Veterinary ..	29,77,500	....	29,77,500
24	Co-operation ..	42, Co-operation ..	1,00,43,800	....	1,00,43,800
25	Industries ..	43, Industries ..	1,11,79,076	....	1,11,79,076
26	Industries Development. ..	43-A, Capital Outlay on Industrial Development.	7,000	....	7,000

SCHEDULE—*contd.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding—		
			Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4		
			Rs.	Rs.	Rs.
27	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	2 98,26,677	....	2,98,26,677
28	Labour ..	47, Miscellaneous Departments.	27,30,000	....	27,30,000
29	Civil Works ..	50, Civil Works	9,05,23,150	4,41,700	9,09,64,850
30	Bombay Development Scheme.	51, Bombay Development Scheme.	26,92,000	....	26,92,000
31	Multipurpose River Schemes.	51-B, Other Revenue Expenditure connected with Multipurpose River Schemes.	33,000	....	33,000
32	Electricity Schemes.	XLI—Receipts from Electricity Schemes—*Deduct*—Working expenses.	1,28,52,200	....	1,28,52,200
33	Other Revenue Expenditure connected with Electricity Schemes.	52-A Other Revenue Expenditure connected with Electricity Schemes.	23,69,300	....	23,69,300
34	Electricity Schemes.	53, Capital Outlay on Electricity Schemes.	2,55,90,000	....	2,55,90,000
35	Famine ..	54, Famine ..	36,00,000	....	36,00,000
36	Territorial and Political Pensions.	54-A, Territorial and Political Pensions.	33,000	....	33,000
37	Privy Purses and Allowances.	54-B, Privy Purses and Allowances of Indian Rulers.	15,59,000	....	15,59,000
38	Superannuation Allowances and Pensions.	55, Superannuation Allowances and Pensions.	2,78,39,600	4,71,000	2,83,10,600
39	Stationery and Printing.	56, Stationery and Printing.	1,17,77,640	....	1,17,77,640
40	Miscellaneous	57, Miscellaneous ..	3,58,43,000	....	3,58,43,000
41	Extraordinary Charges	63, Extraordinary Charges.	3,000	....	3,000
42	Community Development Projects.	63-B, Community Development Projects.	1,04,97,000	....	1,04,97,000
43	Civil Defence ..	64-B, Civil Defence ..	1,01,500	....	1,01,500
		Total Expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account).	75,53,74,049	10,70,56,500	86,24,30,549

SCHEDULE—*concld.*

Serial No.	Services and purposes.	Heads of Accounts.	Sums not exceeding— Voted by the Legislative Assembly.	Charged on the Consolidated Fund	Total
1	2	3	4		
			Rs.	Rs.	Rs.
44	Irrigation ..	68, Construction of Irrigation, etc. Works.	7,88,86,400	....	7,88,86,400
45	Public Health ..	70, Capital Outlay on Improvement of Public Health.	63,66,000	....	63,66,000
46	Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	51,66,0 0	....	51,66,000
47	Industrial Development.	72. Capital Outlay on Industrial Development.	1,23,45,000	....	1,23,45,000
48	Bombay Development Scheme.	80, Bombay Development Scheme.	20,200	....	20,200
49	Civil Works	81, Capital Account of Civil Works outside the Revenue Account.	2,50,39,000	....	2,50,39,000
50	Electricity Schemes.	81-A, Capital Outlay on Electricity Schemes.	3,44,40,000	....	3,44,40,000
51	Housing of Displaced Persons and Milk Scheme.	82, Capital Account of other State Works outside the Revenue Account.	1,69,87,700	....	1,69,87,700
52	Payments of Commuted value of Pensions.	83, Payments of Commuted Value of Pensions.	9,40,000	....	9,40,000
53	Payments to retrenched Personnel.	85, Payments to Retrenched Personnel.	10,00,000	....	10,00,000
54	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	77,96,40,000	35,92,000	78,32,32,000
		Total—Capital Expenditure outside the Revenue Account.	96.08,30,300	35,92,000	96,44,22,300
55	Permanent Debt ..	Permanent Debt ..	....	32,88,000	32,88,000
56	Loans from the Central Government.	Loans from the Central Government.	....	1,41,18,000	1,41,18,000
57	Loans and Advances bearing interest.	Loans and Advances by State Government.	8,93,91,000	1,14,000	8,95,05,000
		Total Disbursement under Debt Heads	8,93,91,000	1,75,20,000	10,69,11,000
		Grand Total	1,80,55,95,349	12,81,68,500	1,93,37,63,849

BOMBAY ACT No. XIX OF 1954.[1]

[THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (AMENDMENT) ACT, 1954.]

[*8th April 1954*]

An Act to amend the Bombay Provincial Municipal Corporations Act, 1949.

Bom. LIX of 1949.

WHEREAS it is expedient to amend the Bombay Provincial Municipal Corporations Act, 1949, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Provincial Municipal Corporations (Amendment) Act, 1954.

2-7. [*Amendments made by sections 2 to 7 have been incorporated in the Bombay Provincial Municipal Corporations Act, 1949.*]

Validation of appointments, etc.

8. All appointments, notifications, notices, taxes, fees, rates, orders, schemes, licences, permissions, rules, by-laws, regulations and fines made, issued or imposed and all things done or purported to have been done in relation to the areas specified in the Schedule to this Act before the coming into force of this Act shall be deemed to be validly and lawfully made, issued, imposed or done as if this Act was in force at the time when they were made, issued, imposed or done, as the case may be, and no suit or proceedings shall lie in respect thereof against the Municipal Corporation of the City of Poona, any other Municipal authority, any Councillor, Commissioner, Transport Manager, any Municipal Officer or servant or any person acting under or in accordance with the direction of the Corporation, Municipal authority, Commissioner, Transport Manager or any Municipal Officer or servant only on the ground that the said areas were not included within the limits of the City of Poona, at the time when the appointment, notification, notice, tax, fee, rate, order, scheme, licence, permission, rule, by-law, regulation, fine or thing was made, issued, imposed or done.

SCHEDULE.

Name of the village. 1	Area or Survey Nos. included. 2
Ghorpadi ...	Survey Nos. 19, 34, 35B, 35A, 36A, 36B, 36C, 37, 38, 39, 40, 40A, 40B, 42B, 43, 43A, 47, 48, 46, 74A, 45, 45A, 74B.
	2, 72, 71, 73, 49, 50, 69, 70A, 70B, 67B, 67A, 68, 51, 52, 53, 66, 66A, 65, 64, 61, 60A, 60B.
	54, 11, 58B, 59, 62, 63, 13 earthen Bund.
	58A, 57A, 56A, 55A, 55B, 56B, 57B.
Wanowrie ...	Survey Nos. 25, 24, Kabarastan, 83, 83A, 28, 27, 26, 22, 23, 82, 21, 27, 29, 30B, 30A, 79, 80, 31, 32, 33, 89, 93B, 93A/2, 93A/1, 91, 90, 33, 34B, 34A, 35, 36 (A to J), 16, 15, 37A, B, C, D, 48B, 38, 14, 11, 12, 13, 39, 40, 8, 9, 10, 1A, 1B, 2, 3, 4, 5, 6, 7, 41, 42, 43, 44, 45, 46, 47, 78, 87, 77 Gaothan, 52, 53, 51, 50, 48A, 49, 55, 64, 54, 76, 75, Chatri, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66A, 66B, 67, 68, 71, 72, 73, 74A, 74B, 70A/3, 70A/2, 70A/1, 70B, 84, 85, 92, 86, 69 and Kabarastan (88).
Mundhwa ...	Survey Nos. 80, 81, 82, 83, 84, 87, 85, 86, 77, 78, 79, 97.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 31.

THE BOMBAY REPEALING AND AMENDING ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

THE FIRST SCHEDULE.

THE SECOND SCHEDULE.

BOMBAY ACT No. XXI OF 1954.[1]

[THE BOMBAY REPEALING AND AMENDING ACT, 1954.]

[*8th April 1954.*]

An Act to repeal certain enactments and to amend certain other enactments.

WHEREAS it is expedient to repeal certain enactments and to amend certain other enactments for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Bombay Repealing and Amending Act, 1954. Short title.

2. The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof. Repeal of certain enactments.

3. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof. Amendment of certain enactments.

THE FIRST SCHEDULE.

REPEAL.

(*See* section 2.)

Year	No.	Short title.	Extent of repeal.
1	2	3	4
1862	IV	.. The Markets and Fairs Act, 1862.	Section 10.
1901	III	.. The Bombay District Municipal Act, 1901.	(1) In section 3, in clause (1), sub-clause (*a*) ; (2) In section 181, in sub-section (*3*), the words and letter " or in respect of any Municipality specified in Schedule E " ; (3) Schedule E.
1939	XXII	.. The Bombay Agricultural Produce Markets Act, 1939.	In section 5, the words, brackets and figures " and within the distance thereof notified under sub-section (*2*) of section 4 ".
1948	LXXII	.. The Bombay Khar Lands Act, 1948.	In section 3, in clause (*b*) of sub-section (*2*), the word " North ".
1953	XLVII	.. The Bombay Sales of Intoxicants Taxation Act, 1953.	In section 14, the brackets and figure " (1) " where they occur for the first time.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 6.

THE SECOND SCHEDULE.

AMENDMENTS.

(*See* section 3.)

Year	No.	Short title.	Extent of amendment.
1	2	3	4
1861	V	.. The Police Act, 1861, in its application to the State of Bombay.	(1) Section 5 shall be deleted (2) In section 35, for the words " exercising the powers of a Magistrate " the words " of such rank as the State Government may by a general or special order, direct " shall be substituted ; (3) In section 46, in sub-section (*2*), in clause (*a*), for the word " Magistrates" the words " Executive Magistrates " shall be substituted.
1888	III	.. The Bombay Municipal Corporation Act.	In section 412, in the marginal note, for the words " the city " the words " Greater Bombay " shall be substituted.
1898	V	.. The Code of Criminal Procedure, 1898, in its application to the State of Bombay.	(1) In section 10, after sub-section (2), the following new sub-section shall be added, namely :— " (*2A*) For the purposes of sub-section (*3*) of section 528, such Additional District Magistrate shall be deemed to be subordinate to the District Magistrate " ; (2) In section 326,— (*i*) for the words beginning with the words " The Sessions Judge shall " and ending with the words " requesting him to " the words " The Sessions Judge or such Judicial Magistrate as he may appoint in this behalf shall ordinarily, seven days at least before the day which the Sessions Judge may from time to time fix for holding the sessions, " shall be substituted ; (*ii*) in the marginal note, for the words " District Magistrate " the words " Sessions Judge or Judicial Magistrate " shall be substituted ; (3) In Schedule V, forms XXXII and XXXIII shall be deleted.
1920	XXXIII	.. The Identification of Prisoners Act, 1920, in its application to the State of Bombay.	(1) In section 2, in clause (*b*), the words and figures " or Chapter V of the City of Bombay Police Act. 1902 " shall be deleted ; (2) In section 3, in clause (*a*), the words and figures " under section 121 of the City of Bombay Police Act, 1902, or of any other offence punishable " shall be deleted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(3) In section 4,— (*i*) in sub-clause (*ii*) of clause (*a*), for the words, figures and letter " section 61D of the Bombay District Police Act, 1890 or under section 112 of the City of Bombay Police Act, 1902, " the following shall be substituted, namely :—
		Bom. XXII of 1951.	" section 122 of the Bombay Police Act, 1951, " ;
			(*ii*) in clause (*b*), for the words, figures and letter " section 46 or 46B of the Bombay District Police Act, 1890, or under section 27 of the City of Bombay Police Act, 1902, " the following shall be substituted, namely :—
		Bom. XXII of 1951.	" section 55 or 56 of the Bombay Police Act, 1951, " ;
			(4) In section 5, the words and figures " or the City of Bombay Police Act, 1902, " shall be deleted ;
			(5) In section 7, for the words " the City of Bombay " the words " Greater Bombay " shall be substituted.
1922	XXII	.. The Police (Incitement to Disaffection) Act, 1922, in its application to the State of Bombay.	In the Schedule, for the entries— " 1890/IV/The Bombay District Police Act, 1890. 1902/IV The City of Bombay Police Act, 1902 " the following shall be substituted, namely :— "1951/XXII/The Bombay Police Act, 1951."
1925	V	.. The Bombay Prevention of Adulteration Act, 1925.	In section 4,— (1) for clause (*a*) of sub-section (*4*) the following shall be substituted, namely :— " (*a*) unless the seller on his appearing or being brought before the Court informs the Court that he intends to rely on the warranty and specifies the name and address of the person from whom he received it and furnishes the Court with a copy of such warranty within the time fixed by the Court, and " ; (2) the *Explanation* shall be deleted.
1947	VII	.. The Motor Vehicles (Bombay Amendment) Act, 1947.	In section 8, for the figures, brackets and letter " 64(*a*) ", the figures, brackets and letter " 64(*g*) " shall be substituted.
1949	XXV	.. The Bombay Prohibition Act, 1949.	(1) In section 93, in sub-section (*1*), for the words " Presidency Magistrate in the Greater Bombay and elsewhere, a Magistrate of the first class " the words " Presidency Magistrate specially empowered by the State Government in this behalf in Greater Bombay, and elsewhere, a District Magistrate or Sub-Divisional Magistrate " shall be substituted ;

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			(2) In section 101, for the word "Magistrate", at both the places where it occurs, the word "Court" shall be substituted ; (3) In section 127, in sub-section (*2*), for the words "a Magistrate" the words "a Magistrate having jurisdiction" shall be substituted ; (4) In section 142, in sub-section (*2*), for the words "any Magistrate" the words "any Executive Magistrate" shall be substituted.
1950	XXIX	The Bombay Public Trusts Act, 1950.	(1) In section 77, in the marginal note, for the figures, letters and word "41,48,79A or 79C" the figures, letters and word "20, 41, 48, 79A, 79C or 79CC" shall be substituted ; (2) In Schedule A, in the heading the figures ". 64 " shall be deleted.
1951	XXII	The Bombay Police Act, 1951.	(1) Section 13 shall be deleted ; (2) In sub-section (*1*) of section 21, the words "not lower in rank than that of second class" shall be deleted ; (3) In section 74— (i) the words, brackets and figure "sub-section (*1*) of" shall be deleted ; (ii) in clause (*c*),— (*a*) for the words, brackets and figure "sub-section (*2*) of section 6" the words, brackets, figures and letter "sub-section (*1*) of section 6B" shall be substituted ; (*b*) for the words, brackets and figure "sub-section (*3*) the words, brackets and figures "sub-sections (*2*) and (*3*)" shall be substituted ; (4) In section 75, for the words, brackets and figures "sub-section (*3*) of section 6" the words, brackets, figures and letter "sub-sections (*2*) and (*3*) of section 6B" shall be substituted ; (5) In section 77, for the brackets, figures and words "(*5*), (*6*) (*7*) and (*8*) of section 6" the brackets, figures, words and letter "(*5*), (*6*) and (*7*) of section 6B" shall be substituted ; (6) For section 79 the following shall be substituted, namely :— Power of police to arrrest without warrant when certain offences committed in his presence. "79. Any police officer may, without an order from a Magistrate and without a warrant, arrest any person committing in his presence any offence punishable under section 117, or section 125 or section 130 or sub-clause (*i*), (*iv*) or (*v*)

Year.	No.	Short title.	Extent of amendment.
1	2	3	4
			of section 131 or clause (i) of section 135 in respect of contravention of any order made under section 39 or 40 ";
			(7) In section 113, for the word "houses" the word "horses" shall be substituted ;
			(8) In section 131, for the portion beginning with the brackets and letter "(a)" and ending with the words "be punished" the following shall be substituted, namely :— "Whoever— (a) contravenes any rules or order made under section 33 or any of the conditions of a licence issued under such rule or order, or (b) abets the commission of any offence under clause (a), shall, on conviction, be punished,"—
1951	XXIII	.. The Bombay Separation of Judicial and Executive Functions Act, 1951.	In part II of Schedule IV, against the entry relating to the Indian Forest Act, 1927, in column 4, for the word "after" the word "for" shall be substituted.
1951	XXV	.. The Bombay Legislature Members (Removal of Disqualifications) Act, 1951.	In entry 4 in the Schedule, for the words "District Rural Development Boards ;" the words and brackets "District Development Boards constituted by the State Government (by whatever name called) ;" shall be substituted.

THE BOMBAY STATE GUARANTEES ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Fixation of limit up to which State may give guarantees and charge of such guarantees on Consolidated Fund of the State.

MOB Bk H 887—2

BOMBAY ACT No. XXII OF 1954.[1]

[THE BOMBAY STATE GUARANTEES ACT, 1954.]

[*8th April 1954*]

An Act to fix the limit up to which the executive powers of the State shall extend to the giving of guarantees and to provide that the expenditure incurred under any guarantee shall be charged on the Consolidated Fund of the State.

WHEREAS it is expedient to fix the limit up to which the executive power of the State Government shall extend to the giving of guarantees ;

AND WHEREAS the Legislature of the State, by clause (1) of article 293 of the Constitution of India, has been empowered to fix such limit by law ;

AND WHEREAS it is also expedient to provide that any expenditure incurred under any guarantee given by the State Government under the said article 293 shall be charged on the Consolidated Fund of the State ; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay State Guarantees Act, 1954.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Fixation of limit up to which State may give guarantees and charge of such guarantees on Consolidated Fund of the State.

2. (*1*) The limit up to which the executive power of the State Government shall extend to the giving of guarantees (including the guarantees given before the commencement of this Act) as provided in clause (1) of article 293 of the Constitution shall be the sum of Rs. 30,00,00,000.

(*2*) Any expenditure incurred by the State Government for fulfilling any guarantee given by it within the limit specified under sub-section (*1*) shall be charged on the Consolidated Fund of the State.

(*3*) The State Government shall lay before both Houses of the State Legislature—

(*a*) a statement of any guarantee given as soon as may be after it is given ; and

(*b*) within one month after the end of any financial year in which any guarantees so given are in force, an account of the total sums, if any, which during that year have been either issued out of the Consolidated Fund of the State or paid in or towards repayment of any sum so issued.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1954, Part V, p. 14.

BOMBAY ACT No. XXIII OF 1954.[1]

[THE BOMBAY AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ACT, 1954].

[*9th April 1954*]

An Act to amend the Bombay Agricultural Produce Markets Act, 1939.

Bom. XXII of 1939.

WHEREAS it is expedient to amend the Bombay Agricultural Produce Markets Act, 1939, for the purposes hereinafter appearing ; It is hereby enacted a follows :—

1. This Act may be called the Bombay Agricultural Produce Markets (Amendment) Act, 1954. Short title.

2–7. [*Amendments made by sections 2 to 7 have been incorporated in the Bombay Agricultural Produce Markets Act, 1939.*]

8. The amendments made in the said Act by section 4 of this Act shall not apply during the period for which any member of a market committee holds office on the date of the commencement of this Act and any casual vacancy in respect of any such member in the said committee occurring during the said period shall be filled up as if this Act was not passed. Amendments made by section 4 not to apply during the period of office of existing members.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 20.

BOMBAY ACT No. XXVII OF 1954.[1]

[THE BOMBAY CITY LAND REVENUE AND REVENUE TRIBUNAL (AMENDMENT) ACT, 1954.]

[*9th April 1954*]

An Act to amend the Bombay City Land Revenue Act, 1876, and the Bombay Revenue Tribunal Act, 1939.

Bom. II of 1876. Bom. XII of 1939. WHEREAS it is expedient to amend the Bombay City Land Revenue Act, 1876, and the Bombay Revenue Tribunal Act, 1939, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (*1*) This Act may be called the Bombay City Land Revenue and Revenue Tribunal (Amendment) Act, 1954.

(*2*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

2–3. [*Amendments made by sections 2 and 3 have been incorporated in the Bombay City Land Revenue Act, 1876.*]

Saving.

4. Nothing in this Act shall be deemed to affect any suit instituted under the Bombay City Land Revenue Act, 1876, before the Revenue Judge and pending before him on the date on which this Act comes into force and any such suit shall be continued and disposed of as if this Act had not been passed.

Bom. II of 1876.

5. [*Amendment made by section 5 has been incorporated in the Bombay Revenue Tribunal Act, 1939.*]

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, p. 136.

BOMBAY ACT No. XXX OF 1954.[1]

[THE BOMBAY STATE UNIVERSITIES (AMENDMENT) ACT, 1954.]

[19th April 1954]

An Act to amend various Acts relating to the establishment or recognition of Universities in the State of Bombay.

WHEREAS it is expedient to amend various Acts relating to the establishment or recognition of Universities in the State of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Bombay State Universities (Amendment) Act, 1954. Short title.

2–33. [*Amendments made by sections 2 to 33 have been incorporated in the relavant Acts.*]

34. The amendments made by sections 3, 7, 12, 13, 15, 16, 17 and 22 of this Act shall not apply during the period for which any member of any authority of the University concerned holds office on the date of the commencement of this Act and any casual vacancy in respect of any such member of such authority occurring during the said period shall be filled up as if this Act was not passed. Amendments made by certain sections not to apply during the period of office of existing members.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1954, Part V, pp. 144-147.

THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 33 of Act IV of 1939.

BOMBAY ACT No. XXXI OF 1954.[1]

[THE MOTOR VEHICLES (BOMBAY AMENDMENT) ACT, 1954.]

[*3rd May 1954*]

An Act to amend the Motor Vehicles Act, 1939, in its application to the State of Bombay.

IV of 1939. WHEREAS it is expedient to amend the Motor Vehicles Act, 1939, in its application to the State of Bombay for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Motor Vehicles (Bombay Amendment) Act, 1954.

IV of 1939. 2. In section 33 of the Motor Vehicles Act, 1939,— Amendment of section 33 of Act IV of 1939.

(*1*) for sub-section (*1*), the following shall be substituted, namely:—

"(*1*) If a registering authority or other prescribed authority has reason to believe that any motor vehicle within its jurisdiction—

(*i*) is in such a condition that its use in a public place would constitute a danger to the public,

(*ii*) fails to comply with the requirements of Chapter V or of the rules made thereunder, or

(*iii*) is being used as a public service vehicle without a valid permit authorizing its use as such vehicle,

such authority may, after giving the owner an opportunity of making any representation he may wish to make, for reasons to be recorded in writing, suspend the certificate of registration of the vehicle,—

(*a*) in cases falling under clause (*i*) or clause (*ii*), until the defects are remedied to its satisfaction;

(*b*) in cases falling under clause (*iii*), for such period not exceeding four months as it may deeem fit.";

(*2*) in sub-section (*3*), for the words "and when the suspension has continued" the words, brackets and figures "and in cases falling under clause (*i*) or clause (*ii*) of sub-section (*1*) when the suspension has continued" shall be substituted.

[1] For Statement of Objects and Reasons see *Bombay Government Gazette*, 1954, Part V, p. 16.

THE DEKKHAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Validation of certain pending suits and applications.
3. Restoration of certain dismissed suits and applications.
4. Restoration of certain appeals and revision applications.

BOMBAY ACT No. XXXVIII OF 1954.[1]

[THE DEKKHAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954.]

[*18th May 1954*]

An Act to validate certain suits and proceedings under the Dekkhan Agriculturists' Relief Act, 1879.

Bom. XXVIII of 1947. XVII of 1879.

WHEREAS by sub-section (*1*) of section 56 of the Bombay Agricultural Debtors Relief Act, 1947, the Dekkhan Agriculturists' Relief Act, 1879, was re-enacted for certain purposes for a period of three years from the date of the coming into operation of the first mentioned Act ;

XVII of 1879.

And Whereas the Dekkhan Agriculturists' Relief Act, 1879, so re-enacted expired on the 26th day of May 1950 but due to some misapprehension about the period for which the said Act was re-enacted certain suits and applications have been instituted in Courts under the said Act on the 27th day of May 1950 and some of them have been dismissed by the Courts on the ground that they were instituted after the expiry of the said Act and the others are pending in the Courts ;

And Whereas it is necessary and expedient to validate such suits and applications instituted on the 27th day of May 1950 and to provide for their disposal by the Courts ;

It is hereby enacted as follows :—

Short title.

1. This Act may be called the Dekkhan Agriculturists' Relief (Suits and Applications) Validation Act, 1954.

XVII of 1879. Bom. XXVIII of 1947. Bom. XXVIII of 1947.

Validation of certain pending suits and applications.

2. Where any suit or application purporting to be under the Dekkhan Agriculturists' Relief Act, 1879, as re-enacted by the Bombay Agricultural Debtors Relief Act, 1947 (hereinafter referred to as the said Act) was instituted or made on the 27th day of May 1950 and is pending at the commencement of this Act, the institution or the making of such suit or application shall, notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, not be deemed to be invalid solely on the ground that the suit or application was not instituted or made, as the case may be, before the expiry of the said Act on the 26th day of May 1950.

Explanation.—For the purposes of this section, a suit or application pending at the commencement of this Act includes a suit or application in respect of which an appeal or an application for revision lies or is pending at the commencement of this Act.

Restoration of certain dismissed suits and applications.

3. Where any such suit or application has, before the commencement of this Act, been dismissed by any Court solely on the ground that it was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Court shall, on application made within six months from the commencement of this Act, and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its decree or order and shall proceed with the suit or the application, as the case may be.

Bom. XXVIII of 1947.

[1]For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, pp. 107-108.

Restoration of certain appeals and revision applications.

4. Where in any appeal or application for revision arising out of such suit or application, a decree or order has been passed before the commencement of this Act, dismissing the appeal or revision application or dismissing the suit or application from which the appeal or revision application arose, solely on the ground that the suit or application out of which the said appeal or revision application arose was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Appellate Court or the Judge exercising powers of revision under the said Act shall, on application made within six months from the commencement of this Act and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its or his decree or order and proceed with the appeal or the revision application, as the case may be. Bom. XXV. III of 1947.

THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) ACT, 1953.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Abolition of jagirs.
4. Liability of jagir villages for payment of land revenue.
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6. What persons to be occupants in life-time Jiwai jagir.
7. Rates of assessment.
8. All public roads, etc., situate in jagir villages to vest in Government.
9. Right to trees.
10. Right to mines or mineral products.
11. Compensation to jagirdar.
12. Compensation to life-time Jiwai Jagirdars.
13. Method of awarding compensation to jagirdar.
14. Method of awarding compensation for abolition, etc. of rights of other person in property.
15. Provisions of Land Acquisition Act, 1894, applicable to award.
16. Appeal against Collector's award.
17. Procedure before Revenue Tribunal.
18. Limitation.
19. Court-fees.
20. Finality of award and decision of Revenue Tribunal.
21. Inquiries and proceedings to be judicial poceedings.
22. Amount of compensation to be payable in transferable bonds.
23. Jagirdars to deliver records to authorised officers.
24. Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.
25. Rules.
26. Savings.

BOMBAY ACT No. XXXIX OF 1954.[1]

[THE BOMBAY MERGED TERRITORIES AND AREAS (JAGIRS ABOLITION) ACT, 1953.]

[*18th June 1954*]

Amended by Bom. 51 of 1955.

An Act to abolish jagirs in the merged territories and merged areas in the State of Bombay.

WHEREAS it is expedient in the public interest to abolish jagirs of various kinds in the merged territories and merged areas in the State of Bombay and to provide for matters consequential and incidental thereto ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.

(*2*) It extends to the merged territories and the merged areas in the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. (*1*) In this Act, unless there is anything repugnant in the subject or context,—

(*i*) " appointed date " means the date on which this Act comes into force ;

Bom. V of 1879.

(*ii*) " Code " means the Bombay Land Revenue Code, 1879 ;

(*iii*) " Collector " includes an officer appointed by the State Government to perform the functions and exercise the powers of the Collector under this Act ;

(*iv*) " to cultivate personally " means to cultivate on one's own account,—

(*a*) by one's own labour, or

(*b*) by the labour of any member of one's family, or

(*c*) by servant on wages payable in cash or kind but not in crop share or by hired labour under one's personal supervision or the personal supervision of any member of one's family ;

Explanation.—For the purposes of this clause,—

(*1*) a widow or a minor or a person who is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;

(*2*) in the case of an undivided hindu family, the land shall be deemed to have been cultivated personally , if it is cultivated by any member of such family ;

(*v*) " Gharkhed land " means land held by a jagirdar as his personal or private property and cultivated personally by him ;

(*vi*) " jagir " means the grant by, or recognition as a grant by, the ruling authority for the time being before the merger, of a village, a group of villages or a portion of a village, whether such grant is of the soil or an assignment of land revenue or both, and includes villages, groups or portions of villages,—

(*a*) held in the merged territories or merged areas on tenure commonly known as Jiwai jagir, Bhomia jagir, Patawat jagir, Jamaiya jagir, Chakariat jagir, Bhagina or Co-shared jagir, Khalsa Jamindari, Mulgiras Jagir, Makta, Saranjam or Political inam or on tenure known by any similar name.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 380.

(*b*) held by a Ruler of a former Indian State merged in the State of Bombay as jagir in his own State before the merger and recognised after the merger as of his ownership, use and enjoyment as his private property under the merger agreement, or

(*c*) held by a talukdar of a merged taluka or estate and recognised as of his ownership, use and enjoyment under the merger agreement;

(*vii*) "Jagirdar" means the holder of a jagir village and includes his co-sharer;

(*viii*) "Jagir village" means a village or part of a village held as jagir as defined in clause (*vi*);

(*ix*) " Jiwai Jagir" means a village held by the holder thereof for the purposes of his maintenance by virtue of a grant, whether known as Jiwai or by any other name, made by a Ruler of a former Indian State in the merged territories or by a talukdar of a merged taluka or estate in the merged areas;

(*x*) "Life-time Jiwai jagir" means a Jiwai jagir which is recognised by the State Government in this behalf as being continuable for the life-time of the holder;

(*xi*) " Jiwai land " means land held by a cadet of a jagirdar's family for the purposes of maintenance;

(*xii*) " merger " means,—

(*a*) in relation to a former Indian State, the cession by the Ruler of such State, of full and exclusive jurisdiction and powers for, and in relation to, the governance of such State and the transfer of administration of such State to the State of Bombay under section 290A of the Government of India Act, 1935; 26 Geo. 5, Ch. 2.

(*b*) in relation to a taluka or estate in the merged areas, the transfer by the talukdar of all rights, authority and jurisdiction appertaining or in relation to the governance of such taluka or estate to the Government of Bombay and the absorption of such taluka or estate in the State of Bombay under section 290 of the Government of India Act, 1935; 26 Geo. 5, Ch. 2.

(*xiii*) " merged areas " means the areas which are included in the State of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947, or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948, or the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948, as the case may be;

(*xiv*) " merger agreement " means an agreement by virtue of which a former Indian State or a taluka or estate in the merged areas, is merged in the State of Bombay;

(*xv*) "non-proprietory jagir" means a jagir which consists of a right in the jagirdar to appropriate, as incident of the jagir, land revenue or rent due to Government from persons holding land in a jagir village, but which does not consist of any right or interest in the soil;

(*xvi*) " permanent holder" means a person who holds land in a jagir village or who holds jiwai land in such village from a cadet of a jagirdar's family, not on payment of rent but on payment of assessment, in cash or kind, to the jagirdar or to such cadet, as the case may be, and includes any person holding such land through or from such person;

(*xvii*) "prescribed" means prescribed by rules made under this Act;

(*xviii*) "proprietary jagir" means a jagir in respect of which the jagirdar under the terms of a grant or agreement or by custom or usage is entitled to any rights or interest in the soil.

(*2*) Any word or expression which is defined in the Code and not defined in this Act shall be deemed to have the meaning given to it in the Code.

(*3*) References in this Act to the incidents of jagirs shall, notwithstanding the abolition of the jagirs by this Act, be construed as references to the incidents as they were in force immediately before the appointed date.

(*4*) If any question arises,—

(*i*) whether a jagir is proprietary or non-proprietary,

(*ii*) whether any land is Gharkhed or Jiwai, or

(*iii*) whether any person is a permanent holder,

the State Government shall decide the question and such decision shall be final:

Provided that the State Government may authorise any officer to decide questions arising under any of the sub-clauses (*i*), (*ii*) and (*iii*) and subject to an appeal to the State Government, his decision shall be final.

Abolition of jagirs.

3. Notwithstanding anything contained in any usage, grant, sanad, order, agreement or any law for the time being in force, on and from the appointed date,—

(*i*) all jagirs shall be deemed to have been abolished;

(*ii*) save as expressly provided by or under the provisions of this Act, the right of a jagirdar to recover rent or assessment of land or to levy or recover any kind of tax, cess, fee, charge or any hak and the right of reversion or lapse, if any, vested in a jagirdar, and all other rights of a jagirdar or of any person legally subsisting on the said date, in respect of a jagir village as incidents of jagir shall be deemed to have been extinguished.

Liability of jagir villages for payment of land revenue.

4. All jagir villages shall be liable to the payment of land revenue in accordance with the provisions of the Code and the rules made thereunder, and the provisions of the Code and the rules relating to unalienated lands shall apply to such villages:

Provided that nothing in this section shall be deemed to affect,—

(1) any devasthan inam or inams held for religious or charitable institutions, or

(2) inams held for service useful to Government.

What persons to be occupants.

5. (*1*) In a proprietary jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land other than Gharkhed land, which is in the actual possession of the jagirdar or in the possession of a person other than a permanent holder holding through or from the jagirdar, such jagirdar,

(*c*) in the case of Jiwai land held by a cadet of the jagirdar's family,—

(*i*) if such land is in the possession of the cadet and cultivated by him personally or is in the possession of a person other than a permanent holder holding through or from the cadet, such cadet, and

(*ii*) if such land is held by a permanent holder, such permanent holder, and

(*d*) in the case of land held by a permanent holder, such permanent holder,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that in the case of land referred to in clause (*b*) or sub-clause (*i*) of clause (*c*), if the land is in the possession of a person holding through or from the jagirdar or cadet, as the case may be, on payment of rent to the jagirdar or cadet, such person shall be entitled to the rights of an occupant in respect of the land in his possession on payment in the prescribed manner to the jagirdar or the cadet, as the case may be, of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that the right conferred by the above proviso shall not be exercisable after a period of [1][four years] from the appointed date.

(*2*) In a non-proprietary jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land held by a permanent holder, such permanent holder, and

(*c*) in the case of land in the possession of a person who was liable to pay rent to the jagirdar as an incident of the jagir tenure immediately before the appointed date, such person,

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that the person holding land as referred to in clause (*c*) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

(*3*) Nothing in this section shall be deemed to apply to a life-time Jiwai jagir.

What persons to be occupants in life-time Jiwai jagir.

6. In a life-time Jiwai jagir village,—

(*a*) in the case of Gharkhed land held by the jagirdar, such jagirdar,

(*b*) in the case of land held by a permanent holder, such permanent holder, and

(*c*) in the case of land in the possession of a person who was liable to pay rent to the jagirdar as an incident of the jagir tenure immediately before the appointed date, such person,

[1] These words were substituted for the words "two years" by Bom. 51 of 1955, s. 3, Second Schedule.

shall be primarily liable to the State Government for the payment of land revenue due in respect of such land and shall be entitled to all the rights and shall be liable to all the obligations in respect of such land as an occupant under the Code or any other law for the time being in force :

Provided that the person holding land as referred to in clause (*c*) shall be entitled to the right of an occupant in respect of such land on payment to the State Government of the occupancy price equivalent to six multiples of the assessment fixed for such land :

Provided further that if such person fails to pay the occupancy price within the prescribed period, it shall be recoverable as arrears of land revenue.

Rates of assessment.

7. Until revenue surveys and settlements of land revenue of land in a jagir village are made under Chapters VIII and VIII-A of the Code, land revenue payable to the State Government in respect of any land under section 5 or 6 shall be paid at the rate at which the assessment in respect of such land was paid to the jagirdar immediately before the appointed date :

Provided that where in respect of any land no assessment is fixed or the rates of assessment fixed in respect of any land are, in the opinion of the State Government, not in conformity with the standard rates of assessment fixed under Chapter VIII-A of the Code in respect of other areas in the State, it shall be lawful for the State Government to determine or revise, as the case may be, the rate of assessment in respect of such land having regard to such standard rates of assessment and the person liable to pay land revenue under section 5 or 6 shall pay land revenue at the rate so determined or revised.

All public roads, etc., situate in jagir villages to vest in Government.

8. All public roads, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours, creeks below high water mark, and of rivers, streams, nallas, lakes, wells and tanks, and all canals and water courses, and all standing and flowing water, all unbuilt village site lands, all waste lands and all uncultivated lands (excluding lands used for building or other non-agricultural purposes) which are situate within the limits of any jagir village, shall, except in so far as any rights of any person other than the jagirdar may be established in or over the same and except as may otherwise be provided by any law for the time being in force, vest in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government and all rights held by a jagirdar in such property shall be deemed to have been extinguished and it shall be lawful for the Collector, subject to the general or special orders of the State Government, to dispose them of as he deems fit, subject always to the rights of way and other rights of the public or of individuals legally subsisting.

Explanation.—For the purposes of this section, land shall be deemed to be uncultivated if it has not been cultivated for a continuous period of three years immediately before the appointed date.

Right to trees.

9. The rights to trees specially reserved under the Indian Forest Act, 1927, or any other law for the time being in force, except those the ownership of which has been transferred by the State Government under any contract, grant or law for the time being in force shall vest in the State Government and nothing in this Act shall in any way affect the right of the State Government to apply the provisions of the Indian Forest Act, 1927, as in force in the State of Bombay to forests in a Jagir village.

XVI of 1927.

XVI of 1927.

Right to mines or mineral products.

10. Nothing in this Act or any other law for the time being in force, shall be deemed to affect the rights of any jagirdar subsisting on the appointed date to mines or mineral products in a jagir village granted or recognised under any contract, grant or law for the time being in force or by custom or usage.

Compensation to jagirdar.

11. (*1*) In the case of a non-proprietary jagir, the jagirdar shall be entitled to compensation at the rate of three times the average of the amount of the land revenue received by or due to the jagirdar as an incident of jagir during the five years immediately before the appointed date.

(*2*) In the case of a proprietary jagir, in respect of land held by a permanent holder the jagirdar shall be entitled to compensation equivalent to three multiples of the assessment fixed for such land.

(*3*) Any jagirdar having any right or interest in any property referred to in section 8 shall, if he proves to the satisfaction of the Collector that he had any such right or interest, be entitled to compensation in the following manner, namely :—

(*i*) if the property in question is waste or uncultivated but is cultivable land, the amount of compensation shall not exceed three times the assessment of the land :

Provided that if the land has not been assessed the amount of compensation shall not exceed such amount of assessment as would be leviable in the same village on the same extent of similar land used for the same purpose ;

(*ii*) if the property in question is land over which the public has been enjoying or has acquired a right of way or any individual has any right of easement, the amount of compensation shall not exceed the amount of the annual assessment leviable in the village for uncultivated land in accordance with the rules made under the Code or if such rules do not provide for the levy of such assessment, such amount as in the opinion of the Collector shall be the market value of the right or interest held by the claimant ;

(*iii*) if there are any trees or structures on the land, the amount of compensation shall be the market value of such trees or structures, as the case may be.

Explanation.—For the purposes of this section, the "market value" shall mean the value as estimated in accordance with the provisions of sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894, in so far as the said provisions may be applicable. I of 1894.

Compensation to life-time Jiwai Jagirdars.

12. In the case of a life-time Jiwai jagir the jagirdar shall, for the abolition of all his rights in such jagir, be entitled to compensation at the rate of ten times the average of the amount of the land revenue received by or due to the jagirdar as an incident of the jagir tenure during the five years immediately before the appointed date and he shall not be entitled to any other compensation payable under this Act.

Method of awarding compensation to jagirdar.

13. (*1*) Any jagirdar entitled to compensation under section 11 or 12 shall, within [1][a period of two years] from the appointed date, apply in writing to the Collector for determining the amount of compensation payable to him under the said section.

[1] These words were substituted for the words "twelve months" by Bom. 51 of 1955, s. 3, Second Schedule.

(*2*) On receipt of an application under sub-section (*1*), the Collector shall, after making formal enquiry in the manner provided by the Code, make an award determining the amount of compensation. Where there is a co-sharer of a jagirdar claiming compensation, the Collector shall by his award apportion the compensation between the jagirdar and the co-sharer.

Method of awarding compensation for abolition, etc., of rights of other person in property.

14. (*1*) If any person other than a jagirdar is aggrieved by the provisions of this Act as abolishing, extinguishing or modifying any of his rights to, or interest in, property and if compensation for such abolition, extinguishment or modification has not been provided for in the provisions of this Act, such person may apply to the Collector for compensation.

(*2*) The application under sub-section (*1*) shall be made to the Collector in the prescribed form within [1][a period of two years] from the appointed date. The Collector shall, after holding a formal inquiry in the manner provided by the Code, make an award determining the compensation in the manner and according to the method provided for in sub-section (*1*) of section 23 and section 24 of the Land Acquisition Act, 1894.

I of 1894.

Provisions of Land Acquisition Act, 1894, applicable to award.

15. Every award made under section 13 or 14 shall be in the form prescribed in section 26 of the Land Acquisition Act, 1894, and the provisions of the said Act shall, so far as may be, apply to the making of such award.

I of 1894.

Appeal against Collector's award.

16. An appeal shall lie against an award of the Collector to the Bombay Revenue Tribunal constituted under the Bombay Revenue Tribunal Act, 1939, notwithstanding anything contained in the said Act.

Bom. XII of 1939.

Procedure before Revenue Tribunal.

17. (*1*) The Bombay Revenue Tribunal shall, after giving notice to the appellant and the State Government, decide the appeal and record its decision.

(*2*) In deciding an appeal under this Act the Bombay Revenue Tribunal shall exercise all the powers which a court has and shall follow the same procedure which a Court follows in deciding appeals from the decree or order of an original Court under the Code of Civil Procedure, 1908.

V of 1908.

Limitation.

18. Every appeal made under this Act to the Bombay Revenue Tribunal shall be filed within a period of sixty days from the date of the award of the Collector. The provisions of sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908, shall apply to the filing of such appeal.

IX of 1908.

Court-fees.

19. Notwithstanding anything contained in the Court-fees Act, 1870, every appeal made under this Act to the Bombay Revenue Tribunal shall bear a court-fee stamp of such value as may be prescribed.

VII of 1870.

Finality of award and decision of Revenue Tribunal.

20. The award made by the Collector subject to an appeal to the Bombay Revenue Tribunal and the decision of the Bombay Revenue Tribunal on the appeal shall be final and conclusive and shall not be questioned in any suit or proceeding in any Court.

Inquiries and proceedings to be judicial proceedings.

21. All inquiries and proceedings before the Collector and the Bombay Revenue Tribunal under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

XLV of 1860.

[1]The words were substituted for the words "twelve months" by Bom. 51 of 1955, s. 3, Second Schedule.

Amount of compensation to be payable in transferable bonds.

22. The amount of compensation payable under the provisions of this Act shall be payable in transferable bonds carrying interest at the rate of three per cent. per annum from the date of the issue of such bonds and shall be repayable during a period of twenty years from the date of the issue of such bonds by equated annual instalments of principal and interest. The bonds shall be of such denomination and shall be in such forms as may be prescribed.

Jagirdars to deliver records to authorised officers.

23. (*1*) Whenever an officer authorised by the State Government in this behalf so directs, a jagirdar shall deliver to him or such other officer as may be specified in the direction, the records relating to the jagir village maintained by the jagirdar.

(*2*) If the jagirdar fails without reasonable cause to deliver any such records, he shall, on conviction, be punished with fine which may extend to two hunderd rupees. In the case of a continuing failure to deliver any such records the jagirdar shall be punished with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after conviction for the first such failure.

Provisions of Bom. LXVII of 1948 to govern the relations of landlord and tenants.

24. Nothing in this Act shall in any way be deemed to affect the application of any of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948, LXVII of 1948. to any jagir village or the mutual rights and obligations of a landlord and his tenants save in so far as the said provisions are not in any way inconsistent with the express provisions of this Act.

Rules.

25. The State Government may, subject to the condition of previous publication, make rules for the purposes of carrying out the provisions of this Act. Such rules shall when finally made be published in the *Official Gazette*.

Savings.

26. Nothing in this Act shall affect the villages or group of villages the revenues of which are held in Saranjam by the holders of Feudatory Jahagirs in the merged State of Kolhapur.

THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) (AMENDMENT) ACT, 1954.

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THE SCHEDULE.

BOMBAY ACT No. XL OF 1954.[1]

[THE BOMBAY LEGISLATURE MEMBERS (REMOVAL OF DISQUALIFICATIONS) (AMENDMENT) ACT, 1954.]

[*28th August 1954*]

An Act further to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1951.

WHEREAS it is expedient further to amend the Bombay Legislature Members (Removal of Disqualifications) Act, 1951, for the purpose hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

Bom. XXV of 1951.

1. This Act may be called the Bombay Legislature Members (Removal of Disqualifications) (Amendment) Act, 1954. Short title.

2. [*Amendment made by section 2 has been incorporated in the Bombay Legislature Members (Removal of Disqualifications) Act, 1951.*]

3. For the removal of doubts, it is hereby declared that the members of the Bombay Legislative Assembly mentioned in the Schedule shall be deemed not to have become disqualified for being members of the said Assembly by reason only of their having held offices of members of the Bombay Labour Welfare Board constituted under the Bombay Labour Welfare Fund Act, 1953, and their seats shall be deemed not to have become vacant on such account and they shall be, and are hereby, freed and discharged and indemnified from all penal consequences incurred by them by sitting or voting as members of the said Assembly while holding offices of members of the said Board at any time before the passing of this Act. Indemnity for, and removal of, disqualification of certain members.

Bom. XL of 1953.

4. The provisions of sections 2 and 3 shall be deemed to have been made and to have come into force on and from the 1st day of July 1953 on which the Bombay Labour Welfare Board was constituted under the Bombay Labour Welfare Fund Act, 1953. Sections 2 and 3 to be deemed to have retrospective effect.

Bom. XL of 1953.

THE SCHEDULE.

(*See* section 3.)

(1) Shrimati Raje Nirmala Devi Vijaysinh Bhosale.

(2) Shri Shridhar Mahadeo Joshi.

(3) Shri Parsharam Krishnaji Sawant.

(4) Shri Sitaram Namdeo Shivtarkar.

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, 1954, Part V, pp. 252-253.

THE BOMBAY VILLAGE INDUSTRIES ACT, 1954.

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BOMBAY ACT No. XLI OF 1954.[1]

[THE BOMBAY VILLAGE INDUSTRIES ACT, 1954.]

[*31st August 1954*]

Amended by Bom. 2 of 1955.

An Act to provide for the organising, developing and regulation of village industries in the State of Bombay and to constitute a Board to carry out the said object.

WHEREAS it is necessary to organise, develop and regulate village industries in the State of Bombay and to constitute a Board to carry out the said objects ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Village Industries Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Board" means the Bombay Village Industries Board constituted under section 4 ;

(*2*) "prescribed" means prescribed by rules made under this Act ;

(*3*) "regulations" means regulations made under this Act ;

(*4*) "village industry" means generally all industries which form the normal occupation, whether whole-time or part-time, of any class of the rural population of the State of Bombay and in particular such industries as the State Government may by notification in the *Official Gazette* specify in this behalf in consultation with the Board.

CHAPTER II.

ESTABLISHMENT AND CONSTITUTION OF THE BOARD.

Incorporation of Board.

3. (*1*) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf there shall be established for the purposes of this Act, a Board by the name of the Bombay Village Industries Board.

(*2*) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both moveable and immovable and to contract and do all things necessary for the purposes of this Act.

Constitution of Board.

4. (*1*) The Board shall consist of such number of members as the State Government may appoint. One of such members shall be appointed by the State Government as the Chairman. The Chairman and other members of the Board shall hold office for such period as the State Government may, by general or special order, direct.

(*2*) The Chairman or any other member of the Board may at any time resign his office by submitting his resignation to the State Government :

Provided that the resignation shall not take effect until it is accepted.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, pp. 130-131.

(*3*) The Chairman and other members shall receive such allowances as may be prescribed.

(*4*) The allowances to the members shall be paid from the fund of the Board.

Vacancy of member.

5. If a member tenders his resignation in writing to the State Government and if it is accepted by the State Government, he shall cease to be a member from the date of such acceptance.

Proceedings presumed to be good and valid.

6. No act or proceeding of the Board shall be invalidated merely by reason of any vacancy in its membership on account of resignation, death or removal.

Appointment of members of staff of Board and conditions of their service.

7. (*1*) The Board may appoint such members of the staff as it may consider necessary.

(*2*) The remuneration, allowances and other conditions of service of the members of the staff of the Board shall be such as may be determined by regulations.

Appointments of committees.

8. Subject to any rules made under section 30, the Board may from time to time appoint one or more committees for the purpose of securing efficient discharge of its functions and in particular for the purpose of securing that the said functions are exercised with due regard to the circumstances and requirements of any particular village industry. Such committees may be appointed for any particular area.

Meetings of Board.

9. The Board shall meet and shall from time to time make arrangements with respect to the date, time, notice, management and adjournment of its meetings as it thinks fit. Such meeting shall be held at least once in every three months.

Power to make contracts.

10. (*1*) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(*2*) Every contract shall be made on behalf of the Board by the Chairman.

(*3*) Every contract made by the Chairman on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and form as may be prescribed.

(*4*) A contract not executed in the manner provided in this section and the rules made thereunder shall not be binding on the Board.

CHAPTER III.

Functions and Powers of the Board.

Functions of Board.

11. (*1*) It shall be the duty of the Board to organise, develop and regulate village industries and perform such functions as the State Government may prescribe from time to time.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the Board shall also in particular discharge and perform all or any of the following duties and functions, namely :—

(*a*) to start, encourage, assist and carry on village industries and to carry on trade or business in such industries and in the matter incidental to such trade or business ;

(*b*) to help the people by providing them with work in their homes and to give them monetary help;

(*c*) to encourage establishment of co-operative societies for village industries;

(*d*) to conduct training centres and to train people thereat with a view to equiping them with the necessary knowledge for starting or carrying on village industries;

(*e*) (*i*) to manufacture tools and implements required for carrying on village industries and to manufacture the products of such industries,

(*ii*) to arrange for the supply of raw materials and tools and implements required for the said purpose, and

(*iii*) to sell and to arrange for the sale of the products of the said industries;

(*f*) to arrange for publicity and popularising of finished products of village industries by opening stores, shops, emporiums or exhibitions and to take similar measures for the purpose;

(*g*) to endeavour to educate public opinion and to impress upon the public the advantages of patronising the products of village industries;

(*h*) to seek and obtain advice and guidance of experts in village industries;

(*i*) to undertake and encourage research work in connection with village industries and to carry on such activities as are incidental and conducive to the objects of this Act;

(*j*) to discharge such other duties and to perform such other functions as the State Government may direct for the purpose of carrying out the objects of this Act.

General powers of Board.

12. The Board shall, for the purposes of carrying out its functions under this Act, have the following powers—

(*i*) to acquire and hold such moveable and immoveable property as it deems necessary and to lease, sell or otherwise transfer any such property:

Provided that in the case of immoveable property the aforesaid powers shall be exercised with the previous sanction of the State Government;

(*ii*) to incur expenditure and undertake works in any area in the State for the framing and execution of such scheme as it may consider necessary for the purpose of carrying out the provisions of this Act or as may be entrusted to it by the State Government, subject to the provisions of this Act and the rules made thereunder.

CHAPTER IV.

Preparation and Submission of Programmes.

Preparation and submission of annual programme.

13. (*1*) In each year, on such date as may be fixed by the State Government, the Board shall prepare and forward to the State Government a programme of work.

(*2*) The programme shall contain—

(*a*) such particulars of the scheme which the Board proposes to execute whether in part or whole during the next year;

(*b*) particulars of any work or undertaking which the Board proposes to organise during the next year for the purposes of carrying out its functions under this Act; and

(*c*) such other particulars as may be prescribed.

Sanction of programme.

14. The State Government may approve and sanction the programme in whole or with such modifications as it deems fit.

Supplementary programme.

15. The Board may prepare and forward a supplementary programme for the sanction of the State Government in such form and before such date as the State Government may prescribe and the provisions of section 14 shall apply to such supplementary programme.

CHAPTER V.

Finance, Accounts, Audit and Debts.

Transfer of property.

16. The State Government may transfer to the Board buildings, land or any other property, whether moveable or immoveable, for use and management by the Board on such conditions and limitations as the State Government may deem fit for the purposes of this Act.

Expenditure, etc., till the Board is established.

17. (*1*) All debts or expenditure incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Village Industries Committee established by Government Resolution, Revenue Department, No. 2818/45, dated the 26th August 1946, before and up to the date of the establishment of the Board under this Act shall be deemed to have been incurred, entered into, or engaged to be done by, with or for the Board; and all suits and legal proceedings instituted or which may be instituted by or against the said Committee shall be continued or instituted by or against the Board.

(*2*) All the assets of the Village Industries Committee referred to in sub-section (*1*) shall upon the establishment of the Board vest in the Board for the purposes of this Act.

Funds of Board.

18. (*1*) The Board shall have its own fund and all receipts of the Board shall be credited thereto and all payments by the Board shall be met therefrom.

(*2*) The Board may accept grants, sub-ventions, donations and gifts and receive loans from Government or a local authority or anybody or association, whether incorporated or not, or an individual for all or any of the purposes of this Act.

(*3*) All money belonging to the fund of the Board shall be deposited in such manner as the State Government may, by a special or general order, direct.

(4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorised by the Board.

Application of fund and property.

19. All property, fund and other assets of the Board shall be held and applied by it subject to the provisions and for the purposes of this Act.

Subventions and loans to Board.

20. (1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the State Government may determine in each case.

(2) The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and such conditions as the State Government may determine, borrow any sum required for the purposes of this Act.

Budget.

21. The Board shall, on such date as may be fixed by the State Government, prepare and submit to the State Government the budget for the next financial year showing estimated receipts and expenditure on capital and revenue accounts according to the programme and the schedule of the stock.

Sanction of budget.

22. The State Government may sanction the budget submitted to it with such modifications as it deems proper.

Supplementary budget.

23. The Board may submit a supplementary budget for the sanction of the State Government in such form and before such date as the State Government may prescribe and the provisions of section 22 shall apply to such supplementary budget.

Annual report.

24. The Board shall prepare and forward to the State Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year. Every such report shall be laid before each House of the State Legislature as soon as may be after it is received by the State Government.

Further report, statistics and returns.

25. The Board shall, before such date and at such intervals and in such manner as the State Government may from time to time direct, submit to the State Government a report on such matters and such statistics and such returns as the State Government may direct.

Accounts and audit.

26. The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared in such manner as may be prescribed. Such accounts shall be audited by an auditor approved by the State Government.

CHAPTER VI.

MISCELLANEOUS

Direction by State Government.

27. (1) In the discharge of its functions, the Board shall be guided by such instructions on questions of policy as may be given to it by the State Government.

(2) If any dispute arises between the State Government and the Board as to whether a question is or is not a question of policy the decision of the State Government shall be final.

Members of Board and members of staff of Board to be public servants.

28. Members of the Board and members of staff of the Board shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of action taken under this Act.

29. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

Rules.

30. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing powers such rules may provide for all or any of the following matters :—

(*a*) the allowances of members of the Board under section 4 ;

(*b*) the manner and form in which contracts shall be entered into under section 10 ;

(*c*) the functions of the Board under section 11 ;

(*d*) the other particulars of the programme under section 13 ;

(*e*) the form in which and the date before which the supplementary programme shall be submitted under section 15 ;

(*f*) the form in which and the date before which the supplementary budget shall be submitted under section 23 ;

(*g*) the manner in which the annual report shall be prepared and forwarded to the State Government under section 24 ;

(*h*) the manner of maintenance of accounts and preparation of annual statement of accounts under section 26 ;

(*i*) any other matter which is or may be prescribed under this Act.

Regulations.

31. (*1*) The Board may, with the previous sanction of the State Government, make regulations consistent with this Act and the rules made thereunder and notify them in the *Official Gazette*.

(*2*) In particular and without prejudice to the generality of the foregoing power, the Board may make regulations providing for—

(*a*) the procedure and disposal of its business ;

(*b*) remuneration, allowances and other conditions of service of members of the staff of the Board ;

(*c*) functions and duties of the members of the staff of the Board ;

(*d*) functions of committees and the procedure to be followed by such committees in the discharge of their functions.

Saving.

[1][**32.** For the avoidance of doubt, it is hereby declared that nothing in this Act shall apply to or be deemed to apply to any industry, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.]

[1] This section was substituted for the original, by Bom. 2 of 1955, s. 3, Second Schedule.

THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL (AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. [*Amendment made by this section has been incorporated in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.*]

3. Coming into force of section 2 of this Act with retrospective effect.

BOMBAY ACT No. XLVI OF 1954.[1]

[THE BOMBAY RENTS, HOTEL AND LODGING HOUSE RATES CONTROL (AMENDMENT) ACT, 1954.]

[*8th October 1954*]

An Act further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.

WHEREAS it is expedient further to amend the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, for the purpose hereinafter appearing ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

Bom. LVII of 1947.

1. This Act may be called the Bombay Rents, Hotel and Lodging House Rates Control (Amendment) Act, 1954. Short title.

2. [*Amendment made by section 2 has been incorporated in the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947.*]

3. The amendment made by section 2 of this Act shall be deemed to have come into force on and from the date on which the Bombay Rents, Hotel and Lodging House Rates Control (Second Amendment) Act, 1953, came into force. Coming into force of section 2 of this Act with retrospective effect.

Bom. LXI of 1953.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1954, Part V, p. 261.

THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Issue of Rs. 6,77,67,572 out of the Consolidated Fund of the State of Bombay for the year 1954-55.
3. Appropriation.

SCHEDULE.

MO-B Bk H 862—2

IX-50

BOMBAY ACT No. XLIX OF 1954.[1]

[THE BOMBAY (SECOND SUPPLEMENTARY) APPROPRIATION ACT, 1954.]

[*9th October 1954*]

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955.

WHEREAS by virtue of Article 204 of the Constitution of India, read with Article 205 thereof, it is necessary to provide for the passing of an Appropriation Act for the appropriation of further sums from and out of the Consolidated Fund of the State of Bombay to the service of the year ending on the thirty-first day of March 1955, and for the purpose of authorising payment of the said sums ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1. This Act may be called the Bombay (Second Supplementary) Appropriation Act, 1954. Short title.

2. From and out of the Consolidated Fund of the State of Bombay, there shall be paid and applied sums not exceeding those specified in column 4 of the Schedule hereto annexed amounting in the aggregate to the sum of Rs. 6,77,67,572 towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March 1955, in respect of the services and purposes specified in column 2 of the Schedule. Issue of Rs. 6,77,67,572 out of the Consolidated Fund of the State of Bombay for the year 1954-55.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Bombay by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March 1955. Appropriation.

SCHEDULE.

(*See* sections 2 and 3.)

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3		4	
			Rs.	Rs.	Rs.
1	Land Revenue	.. 7, Land Revenue ..	6,37,122	9,355	6,46,477
2	State Excise	.. 8, State Excise ..	95,170	....	95,170
3	Stamps	.. 9, Stamps ..	1,00,000	1,453	1,01,453
4	Forest	.. 10, Forest	35,42,178	....	35,42,178

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, p. 412.

SCHEDULE—*contd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding.		
			Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3		4	
			Rs.	Rs.	Rs.
5	Registration ..	11, Registration ..	10	....	10
6	Charges on account of Motor Vehicles Acts.	12, Charges on account of Motor Vehicles Acts.	49,952	....	49,952
7	Other Taxes and Duties	13, Other Taxes and Duties.	3,12,000	....	3,12,000
8	Irrigation (including Working Expenses).	XVII—Deduct—Working Expenses and 18—Other revenue expenditure financed from ordinary revenues.	1,63,699	....	1,63,699
9	General Administration.	25, General Administration.	1,87,669	....	1,87,669
10	Administration of Justice.	27, Administration of Justice.	48,120	....	48,120
11	Jails and Convict Settlements.	28, Jails and Convict Settlements.	10	....	10
12	Police ..	29, Police. ..	3,26,769	30	3,26,799
13	Dangs District ..	33-A, Dangs District ..	10	....	10
14	Scientific Departments	36, Scientific Departments ..	1,46,343	8,50,398	9,96,741
15	Education ..	37, Education ..	11,24,360	....	11,24,360
16	Medical ..	38, Medical ..	38,89,073	9,650	38,98,723
17	Public Health ..	39, Public Health ..	2,46,332	....	2,46,332
18	Agriculture ..	40, Agriculture ..	1,01,46,403	....	1,01,46,403
19	Co-operation ..	42, Co-operation ..	2,83,767	924	2,84,691
20	Industries ..	43, Industries ..	1,04,735	....	1,04,735
21	Miscellaneous Departments (except Labour).	47, Miscellaneous Departments.	13,555	3,207	16,762
22	Labour ..	47, Miscellaneous Departments.	31,010	....	31,010
23	Civil Works ..	50, Civil Works ..	15,93,428	....	15,93,428
24	Other Revenue Expenditure connected with the Multi-purpose River Schemes.	51—B, Other Revenue Expenditure connected with the Multi-purpose River Schemes.	11,95,700	....	11,95,700
25	Electricity Scheme ..	XLI—Receipts from Electricity Schemes—Deduct—Working Expenses.	1,14,210	....	1,14,210
26	Other Revenue Expenditure connected with Electricity Schemes.	52—A, Other Revenue Expenditure connected with Electricity Schemes.	4,83,500	....	4,83,500
27	Electricity Schemes ..	53, Capital Outlay on Electricity Schemes.	4,83,800	....	4,83,800

SCHEDULE—*contd.*

Serial No.	Services and Purposes.	Heads of Accounts.	Sums not exceeding. Voted by the Legislative Assembly.	Charged on the Consolidated Fund.	Total
1	2	3		4	
			Rs.	Rs.	Rs.
28	Famine ..	54, Famine ..	26,816	20,659	47,475
29	Privy Purses and Allowances.	54—B, Privy Purses and Allowances of the Indian Rulers.	7,04,000	....	7,04,000
30	Stationery and Printing.	56, Stationery and Printing.	10	....	
31	Miscellaneous ..	57, Miscellaneous ..	70,14,333	6,000	70,20,333
32	Community Development Projects.	63—B, Community Development Projects.	20	....	20
	Total expenditure on revenue account (including Revenue Expenditure and Capital Expenditure within Revenue Account.		3,30,64,104	9,01,676	3,39,65,780
33	Irrigation ..	68, Construction of Irrigation, Navigation, Embankment and Drainage Works.	11,47,030	....	11,47,030
34	Agricultural Improvement and Research.	71, Capital Outlay on Schemes of Agricultural Improvement and Research.	21,500	....	21,500
35	Industrial Development.	72, Capital Outlay on Industrial Development.	....	80,620	80,620
36	Civil Works ..	81, Capital Account of Civil Works outside the Revenue Account.	50,000	....	50,000
37	Electricity Schemes ..	81-A, Capital Outlay on Electricity Schemes.	27,510	....	27,510
38	Housing for displaced persons and Milk Schemes.	82, Capital Account of other State Works outside the Revenue Account.	55,61,710	2,43,265	58,04,975
39	Schemes of State Trading.	85-A, Capital Outlay on State Schemes of State Trading.	10	3,27,887	3,27,897
		Total Capital expenditure outside the Revenue Account.	68,07,760	6,51,772	74,59,532
40	Permanent Debt ..	Permanent Debt ..	....	1,09,85,000	1,09,85,000
41	Loans and Advances bearing interest.	Loans and Advances by State Government.	1,53,57,260	....	1,53,57,260
		Total disbursements under Debt Heads.	1,53,57,260	1,09,85,000	2,63,42,260
		Grand Total ..	5,52,29,124	1,25,38,448	6,77,67,572

THE BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. [*Amendments made by this section have been incorporated in the Bombay Municipal Boroughs Act, 1925.*]
3. Retrospective operation of this Act and validation of elections.

BOMBAY ACT No. LIV OF 1954.[1]

[THE BOMBAY MUNICIPAL BOROUGHS (AMENDMENT) ACT, 1954.]

[*14th October 1954*]

An Act further to amend the Bombay Municipal Boroughs Act, 1925.

Bom. XVIII of 1925. WHEREAS it is expedient further to amend the Bombay Municipal Boroughs Act, 1925, for the purpose hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Bombay Municipal Boroughs (Amendment) Act, 1954.

2. [*Amendments made by section 2 have been incorporated in the Bombay Municipal Boroughs Act, 1925.*]

Retrospective operation of this Act and validation of elections. **3.** (*1*) The amendments made by this Act shall be deemed to have come into force on the date on which the Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1954, came into force (hereinafter in this section referred to as "the said date") and all elections to the office of the president or vice-president, held on or after the said date and before the coming into force of this Act, shall be deemed to be valid as if this Act had been in force on the said date; and any person elected to the office of the president or vice-president at any of such elections shall not be deemed to have been illegally elected merely on the ground that the residue of the term of office of the municipality being less than one year at the time of such election, he would hold his office for a term less than one year in contravention of section 19 of the Bombay Municipal Boroughs Act, 1925, as it was in operation before the coming into force of this Act.

Bom. XXXV of 1954.

Bom. XVIII of 1925.

(*2*) Nothing contained in this section shall affect the judgment decree or order of any competent Court, passed before the coming into force of this Act, holding any of such elections invalid on the ground specified in sub-section (*1*).

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, p. 363.

THE BOMBAY AMENDING ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendments of certain enactments.

SCHEDULE.

BOMBAY ACT No. LVIII OF 1954.[1]

[THE BOMBAY AMENDING ACT, 1954.]

[*19th October 1954*]

An Act to amend certain enactments.

WHEREAS it is expedient that certain amendments should be made in the enactments specified in the Schedule; It is hereby enacted in the Fifth Year of the Republic of India as follows:—

1. This Act may be called the Bombay Amending Act, 1954. Short title.

2. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof Amendments of certain enactments.

SCHEDULE.

AMENDMENTS.

(*See* Section 2.)

Year.	No.	Short title.	Amendments.
1	2	3	4
1870	VII	The Court-fees Act, 1870, in its application to the State of Bombay.	In Schedule II,— (1) In article 17, for clauses (*i*) and (*ii*) and the entries relating thereto in the second and third columns, the following shall be substituted, namely :— "(*i*) to alter or set aside a summary decision or order of any of the Civil Courts not established by Letters Patent or of any Revenue Court. — When the amount or value of the property involved does not exceed five hundred rupees. — Twelve rupees eight annas. (*ii*) to alter or cancel any entry in a register of the names of proprietors of revenue-paying estates; and — When the amount or value of the property involved exceeds five hundred rupees. — Eighteen rupees twelve annas."; (2) in article 18, for clause (*a*) the following shall be substituted, namely :— "(*a*) under section 20 of the Arbitration Act, 1940;"; (3) in article 21, for the words and figures "Parsi Marriage and Divorce Act, 1865" the words and figures "Parsi Marriage and Divorce Act, 1936" shall be substituted.

X of 1940.

XV of 1865. III of 1936.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, pp. 275-276.

SCHEDULE—*contd.*

Year.	No.	Short title.	Amendments.
1	2	3	4
1948	XXXI	The Bombay Building (Control on Erection, Re-erection and Conversion) Act, 1948.	In section 4, in sub-section (*3*), for the words "one month" the words "three months" shall be substituted.
1948	LXXIX	The Bombay Shops and Establishments Act, 1948.	In section 38, in sub-section (*1*), for the words "shall apply" the words "shall, in such local areas as may be specified in the notification, apply" shall be substituted.
1949	XX	The Karnatak University Act, 1949.	In section 33, for the words "so far as may" the words "so far as may be" shall be substituted.
1949	LIX	The Bombay Provincial Municipal Corporations Act, 1949.	In section 358, in the proviso to sub-section (*1*), for the words "approved bank" the words "approved co-operative bank" shall be substituted.
1949	LXIII	The Panch Mahals Mehwassi Tenure Abolition Act, 1949.	In section 2, before clause (1) the following new clause shall be inserted and shall be deemed always to have been inserted, namely :— "(*a1*) 'District of Panch Mahals' and 'Kalol taluka' means respectively the district of Panch Mahals and Kalol taluka as constituted immediately before the 1st day of August 1949."
1953	XLIII	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.	In the First Schedule under the heading "(2) *Farta Ankadi Thakarati Villages*" for entry "12 Vasna" the following shall be substituted, namely :— "12. Vansa"
1953	LXX	The Bombay Service Inams (Useful to Community) Abolition Act, 1953.	In section 5, in sub-section (*2*), for the words "this Act" the word, brackets and figure "sub-section (*1*)" shall be substituted.

THE BOMBAY MEDICAL PRACTITIONERS' (AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-10. [*Amendments made by these sections have been incorporated in the Bombay Medical Practitioners' Act, 1938.*]

11. Construction of references in enactments, rules, etc.

12. Legal proceedings.

13. Amendment made by section 5 to have retrospective effect.

BOMBAY ACT No. LXI OF 1954.[1]

[THE BOMBAY MEDICAL PRACTITIONERS' (AMENDMENT) ACT, 1954.]

[*6th November 1954*]

An Act to amend the Bombay Medical Practitioners' Act, 1938

Bom. XXVI of 1938. WHEREAS it is expedient to amend the Bombay Medical Practitioners' Act, 1938, for the purposes hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1. This Act may be called the Bombay Medical Practitioners' (Amendment) Act, 1954. Short title.

2-10. [*Amendments made by sections 2 to 10 have been incorporated in the Bombay Medical Practitioners' Act, 1938.*]

11. References in any enactment, rule, regulation, order, notification, by-law, application or instrument in force on the day immediately before the commencement of this Act to " the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay " and to " the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay " shall, respectively, be construed as references to " the Board of Ayurvedic and Unani Systems of Medicine, Bombay " and to " the Faculty of Ayurvedic and Unani Systems of Medicine, Bombay ". Construction of references in enactments, rules, etc.

12. If at the commencement of this Act any legal proceedings are pending to which the Board of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, or the Faculty of Ayurvedic and Unani Tibbi Systems of Medicine, Bombay, is a party, the Board of Ayurvedic and Unani Systems of Medicine, Bombay, and the Faculty of Ayurvedic and Unani systems of Medicine, Bombay, shall, respectively, be deemed to be substituted therefor. Legal proceedings.

13. The amendment made by section 5 shall be deemed to have been made on and to have effect from the 1st day of June 1954. Amendment made by section 5 to have retrospective effect.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, p. 288.

THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2. Amendment of section 33 of Act XLVIII of 1950.

BOMBAY ACT No. LXV OF 1954.[1]

[THE INDUSTRIAL DISPUTES (APPELLATE TRIBUNAL) (BOMBAY AMENDMENT) ACT, 1954.]

[*12th November 1954*]

An Act to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, in its application to the State of Bombay.

WHEREAS it is expedient to amend the Industrial Disputes (Appellate Tribunal) Act, 1950, in its application to the State of Bombay, for the purpose hereinafter appearing ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

XLVIII of 1950.

1. This Act may be called the Industrial Disputes (Appellate Tribunal) (Bombay Amendment) Act, 1954. Short title.

XLVIII of 1950.

2. In section 33 of the Industrial Disputes (Appellate Tribunal) Act, 1950, after sub-section (*2*) the following sub-section shall be inserted, namely :— Amendment of section 33 of Act XLVIII of 1950.

"(2*A*) Notwithstanding anything contained in sub sections (*1*) and (*2*), in any appeal under this Act against the award or decision of an industrial tribunal set up under the Bombay Industrial Relations Act, 1946, the provisions of Chapter V of the said Act, in so far as they relate to the parties to any proceedings and appearance on their behalf, shall apply *mutatis mutandis* to the representation of parties in the proceedings under this Act :

Bom. XI of 1947.

Provided that the parties to such award or decision shall, either by themselves or through their representatives referred to in sub-section (*3*) be, subject to the said sub-section, entitled to appear in any proceedings under this Act."

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[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, p. 284.

THE BOMBAY EXTENSION OF LAWS TO NON-SCHEDULED (PARTIALLY EXCLUDED) AREAS ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Extension of laws to certain areas.
3. Commencement of Acts in areas specified in Fourth Schedule.

FIRST SCHEDULE.

SECOND SCHEDULE.

THIRD SCHEDULE.

FOURTH SCHEDULE.

BOMBAY ACT No. LXVIII OF 1954.[1]

[THE BOMBAY EXTENSION OF LAWS TO NON-SCHEDULED (PARTIALLY EXCLUDED) AREAS ACT, 1954.]

[*15th November 1954*]

An Act to extend certain Acts to the former partially excluded areas in the State of Bombay.

WHEREAS it is expedient to extend certain Acts to certain areas in the State of Bombay which were declared to be partially excluded areas under section 91 of the Government of India Act, 1935, but which have not been declared to be the Scheduled Areas under the Constitution of India ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

26 Geo. 5, c. 2.

1. This Act may be called the Bombay Extension of Laws to non-scheduled (partially excluded) Areas Act, 1954. Short title.

2. (*1*) All the Acts specified in the First Schedule and so much of the Acts specified in the Second Schedule as relates to matters with respect to which the State Legislature has power to make laws are hereby extended to, and shall be in force in, the areas specified in the Fourth Schedule (hereinafter referred to as the said areas). Extension of laws to certain areas.

(*2*) So much of the amendments made in the principal Acts specified in column 1 of the Third Schedule by the Acts specified in column 2 thereof as relates to matters with respect to which the State Legislature has power to make laws shall be deemed to have been made in the said principal Acts with effect from the date on which this Act comes into force and on and from the said date the principal Acts as so amended shall have effect in the said areas.

(*3*) All appointments, delegations, rules, regulations, bye-laws, notifications, orders, schemes and forms made or issued or deemed to have been made or issued under the said Acts and in force shall be deemed to extend to, and be in force in, the said areas until repealed, modified or revised by any competent authority.

3. Notwithstanding anything in the said Acts appointing the date for commencement, the said Acts shall come into force in the said areas on the date on which this Act comes into force. Commencement of Acts in areas specified in Fourth Schedule.

FIRST SCHEDULE.

PART I.

The Bombay Probation of Offenders Act, 1938 (Bom. XIX of 1938).
The Bombay Cotton Control Act, 1942 (Bom. XXX of 1942).
The Bombay Electricity (Special Powers) Act, 1946 (Bom. XX of 1946).
The Bombay Cotton (Statistics) Act, 1946 (Bom. XXVII of 1946).
The Bombay Agricultural Pests and Diseases Act, 1947 (Bom. XLIII of 1947).
The Poona University Act, 1948 (Bom. XX of 1948).
The Bombay Secondary School Certificate Examination Act, 1948 (Bom. XLIX of 1948).
The Bombay Housing Board Act, 1948 (Bom. LXIX of 1948).
The Bombay Sugarcane Cess Act, 1948 (Bom. LXXXII of 1948).

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, p. 280.

PART II.

The Bombay Local Boards (Amendment) Act, 1938 (Bom. I of 1938).

The Bombay Local Boards (Amendment) Act, 1938 (Bom. XXIII of 1938).

The Transfer of Property and the Indian Registration (Bombay Amendment) Act, 1939 (Bom. XIV of 1939).

The Bombay District Municipal and Municipal Boroughs (Amendment) Act, 1945 (Bom. XXII of 1945).

The Bombay Town Planning (Amendment) Act, 1946 (Bom. XIV of 1946).

The Bombay Village Panchayats (Amendment) Act, 1946 (Bom. XXIV of 1946)

The Bombay Town Planning (Amendment) Act, 1947 (Bom. XXIII of 1947).

The Court-fees (Bombay Amendment) Act, 1946 (Bom. XXIV of 1947).

The Local Authorities Loans (Bombay Amendment) (Repeal and Re-enactment) Act, 1947 (Bom. L of 1947).

The Bombay Village Panchayats (Amendment) Act, 1947 (Bom. LX of 1947).

The Bombay Cotton Control (Repeal and Re-enactment) Act, 1947 (Bom. LXIII of 1947).

The Bombay Land Revenue Code (Amendment) Act, 1948 (Bom. XXXV of 1948).

The Bombay Borstal Schools (Amendment) Act, 1948 (Bom. XXXIX of 1948).

The Indian Forest (Bombay Amendment) Act, 1948 (Bom. LXII of 1948).

The Bombay Refugees (Amendment) Act, 1948 (Bom. LXVI of 1948).

The Bombay Village Panchayats (Amendment) Act, 1949 (Bom. IV of 1949).

The Agriculturists' Loans and the Bombay Non-Agriculturists' Loans (Amendment) Act, 1949 (Bom. VI of 1949).

The Bombay Shops and Establishments (Amendment) Act, 1949 (Bom. XVII of 1949).

The Court-fees (Bombay Amendment) Act, 1949 (Bom. XXXIV of 1949).

The Bombay Repealing and Amending Act, 1949 (Bom. LIII of 1949).

SECOND SCHEDULE.

The Employment of Children Act, 1938 (XXVI of 1938).

The Dock Workers (Regulation of Employment) Act, 1948 (IX of 1948).

The Electricity (Supply) Act, 1948 (LIV of 1948).

The Factories Act, 1948 (LXIII of 1948).

THIRD SCHEDULE.

Principal Acts.	Amending Acts.
1	2
The Indian Boilers Act, 1923 (V of 1923).	The Indian Boilers (Amendment) Act, 1937 (XI of 1937). The Indian Boilers (Amendment) Act, 1942 (V of 1942). The Indian Boilers (Amendment) Act. 1943 (XVII of 1943). The Indian Boilers (Amendment) Act, 1947 (XXXIV of 1947).
The Workmen's Compensation Act, 1923 (VIII of 1923)	The Workmen's Compensation (Amendment) Act, 1937 (VII of 1937). The Workmen's Compensation (Amendment) Act, 1938 (IX of 1938). The Workmen's Compensation (Amendment) Act, 1939 (XIII of 1939). The Workmen's Compensation (Second Amendment) Act, 1939 (XLII of 1939). The Workmen's Compensation (Amendment) Act, 1942 (I of 1942). The Workmen's Compensation (Amendment) Act, 1946 (I of 1946).
The Dangerous Drugs Act, 1930 (II of 1930).	The Dangerous Drugs (Amendment) Act, 1938 (III of 1938).
The Payment of Wages Act, 1936 (IV of 1936).	The Payment of Wages (Amendment) Act, 1937 (XXII of 1937).
The Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946).	The Essential Supplies (Temporary Powers) Amendment Act, 1949 (XIX of 1949). The Essential Supplies (Temporary Powers) Second Amendment Act. 1949 (XLIX of 1949).

FOURTH SCHEDULE.

AREAS.

(1) The Shahada, Nandurbar and Taloda Talukas in the West Khandesh District.

(2) The Dohad Taluka and Jhalod Mahal of the Panch Mahals District.

THE CORONERS (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 8 of Act IV of 1871.
3. Insertion of new section 8A in Act IV of 1871
4. Insertion of new section 18A in Act IV of 1871.

BOMBAY ACT No. LXIX OF 1954 [1]

[THE CORONERS (BOMBAY AMENDMENT) ACT, 1954.]

[*15th November 1954*]

An Act to amend the Coroners Act, 1871, in its application to the State of Bombay.

IV of 1871. WHEREAS it is expedient to amend the Coroners Act, 1871, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1 This Act may be called the Coroners (Bombay Amendment) Act, 1954. Short title.

IV of 1871. 2. In section 8 of the Coroners Act, 1871, hereinafter referred to as the said Act, in sub-section (*2*), for the words "the Coroner shall" the words "the Coroner may" shall be substituted. Amendment of section 8 of Act IV of 1871.

3. After section 8 of the said Act, the following section shall be inserted, namely :— Insertion of new section 8A in Act IV of 1871.

"8A. Where the Coroner has reason to believe that death has occurred within his jurisdiction in any of the circumstances mentioned in section 8 or 9 and that owing to the destruction of the body, or disposal thereof in contravention of any law for the time being in force, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except by virtue of the provisions of this section, he may report the facts to the State Government and the State Government may, if it considers it desirable so to do, direct an inquest to be held touching the death. When such direction is given, an inquest shall be held accordingly by the Coroner and the provisions of this Act shall apply with such modifications as may be necessary in consequence of the inquest being held otherwise than on or after view of the body." Inquest where body destroyed or irrecoverable.

4. After section 18 of the said Act, the following section shall be inserted, namely :— Insertion of new section 18A in Act IV of 1871.

"18A. Notwithstanding anything contained in this Act, the Coroner may, at any stage of the proceedings under this Act for the purposes of preservation or safe custody, order the removal of the body to any place within his jurisdiction which may have been provided for that purpose." Power to order removal of body for preservation or safe custody.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, p. 243.

THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 15 of Act IV of 1936.
3. Insertion of new section 17A in Act IV of 1936.

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BOMBAY ACT No. LXX OF 1954.[1]

[THE PAYMENT OF WAGES (BOMBAY AMENDMENT) ACT, 1954.]

[*15th November 1954*]

An Act further to amend the Payment of Wages Act, 1936, in its application to the State of Bombay.

IV of 1936. WHEREAS it is expedient further to amend the Payment of Wages Act, 1936, in its application to the State of Bombay, for the purposes hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Payment of Wages (Bombay Amendment) Act, 1954.

Amendment of section 15 of Act IV of 1936. IV of 1936. **2.** In section 15 of the Payment of Wages Act, 1936, hereinafter referred to as the said Act, for sub-section (5) the following shall be substituted, namely :—

"(5) Any amount directed to be paid under this section may be recovered by the authority as an arrear of land revenue and the authority shall for that purpose be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890."

I of 1890.

Insertion of new section 17A in Act IV of 1936. **3.** After section 17 of the said Act, the following section shall be inserted, namely :—

Provisions of section 15A to apply to appeals preferred under section 17 with modification. "17A. When an appeal is preferred under section 17 by a person making an application under section 15, the provisions of section 15A shall *mutatis mutandis* apply, with the modification that such person, not being an Inspector, shall pay court-fees of an amount of five rupees, but that such amount shall be refunded to him in the event of his succeeding in the appeal."

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, p. 250.

THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.
2. Amendment of section 17 of Act V of 1898.
3. Amendment of section 41 of Act V of 1898.
4. Amendment of section 144 of Act V of 1898.
5. Amendment of section 435 of Act V of 1898.
6. Insertion of new section 539D in Act V of 1898.
7. Amendment of Schedule IV to Act V of 1898.

BOMBAY ACT No. LXXI OF 1954.[1]

[THE CODE OF CRIMINAL PROCEDURE (BOMBAY AMENDMENT) ACT, 1954.]

[*29th November 1954*]

An Act to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay.

V of 1898. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1898, in its application to the State of Bombay for the purposes hereinafter appearing; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

1. This Act may be called the Code of Criminal Procedure (Bombay Amendment) Act, 1954. Short title.

V of 1898. 2. In sub-section (*4*) of section 17 of the Code of Criminal Procedure, 1898, (hereinafter referred to as the said Code), for the words " by the District Magistrate, and such Judge or Magistrate " the words and brackets " by a Civil Judge (Senior Division), or if there be no Civil Judge (Senior Division), by the Sessions Judge or Additional or Assistant Sessions Judge of an adjoining Sessions Division, and such Judge " shall be substituted. Amendment of section 17 of Act V of 1898.

3. In section 41 of the said Code, after sub-section (*2*), the following sub-section shall be inserted, namely :— Amendment of section 41 of Act V of 1898.

" (*3*) Any powers conferred by the Sessions Judge may be withdrawn by the Sessions Judge with the approval of the High Court."

4. In section 144 of the said Code, sub-section (*5A*) shall be deleted. Amendment of section 144 of Act V of 1898.

5. In sub-section (*4*) of section 435 of the said Code, after the words " an Executive Magistrate " the words " or the Commissioner of Police, as the case may be " shall be inserted. Amendment of section 435 of Act V of 1898.

6. After section 539C of the said Code, the following new section shall be inserted, namely :— Insertion of new section 539D in Act V of 1898.

" 539D. Any Justice of the Peace (not being a legal practitioner) shall be entitled to attest, verify or authenticate documents brought before him for the purpose of attestation, verification or authentication, as the case may be, and to affix such seal thereon as may be prescribed by the State Government by notification in the *Official Gazette.*" Attestation, etc., of documents and use of seal by Justices of the Peace.

7. In Part I of Schedule IV to the said Code,— Amendment of Schedule IV to Act V of 1898.

(*i*) in sub-part (A), entry 5 shall be deleted ;

(*ii*) in sub-part (B), after entry 2, the following entry shall be inserted, namely :—

" *3. Power to transfer cases, section 192.*"

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, pp. 271-272.

THE BOMBAY ANIMAL PRESERVATION ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Application of Act.
3. Definitions.
4. Appointment of Competent Authority.
5. Prohibition against slaughter without certificate from Competent Authority.
6. Prohibition of slaughter of animals in places not specified for the purpose.
7. Power to enter and inspect premises.
8. Penalties.
9. Offences under the Act to be cognizable.
10. Abetments and attempts.
11. Persons exercising powers under this Act deemed to be public Servants.
12. Protection of persons acting in good faith under the Act or rules.
13. Exemption under this Act.
14. Delegation of powers.
15. Power to make rules.
16. Repeal of Bombay Animal Preservation Act, 1948.

SCHEDULE.

BOMBAY ACT No. LXXII OF 1954.[1]

[THE BOMBAY ANIMAL PRESERVATION ACT, 1954.]

[*14th December 1954*]

An Act to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes.

WHEREAS it is expedient to provide for the preservation of animals suitable for milch, breeding or for agricultural purposes; It is hereby enacted in the Fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Animal Preservation Act, 1954.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint in this behalf.

Application of Act.

2. (*1*) This Act shall in the first instance apply to the animals specified in the Schedule.

(*2*) The State Government may, by notification in the *Official Gazette*, apply the provisions of this Act to any other animal, which in its opinion, it is desirable to preserve.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "Animal" means an animal to which this Act applies;

(*2*) "Competent Authority" means a person or body of persons appointed under section 4 to perform the functions of a Competent Authority under this Act;

(*3*) "Prescribed" means prescribed by rules made under this Act;

(*4*) "Schedule" means a Schedule appended to this Act.

Appointment of Competent Authority.

4. The State Government may, by notification in the *Official Gazette*, appoint a person or a body of persons to perform the functions of a Competent Authority under this Act for such local area as may be specified in the notification.

Prohibition against slaughter without certificate from Competent Authority.

5. (*1*) Notwithstanding any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless, he has obtained in respect of such animal a certificate in writing from the Competent Authority appointed for the area that the animal is fit for slaughter.

(*2*) No certificate shall be granted under sub-section (*1*), if in the opinion of the Competent Authority—

(*a*) the animal, whether male or female, is useful or likely to become useful for the purpose of draught or any kind of agricultural operations;

(*b*) the animal, if male, is useful or likely to become useful for the purpose of breeding;

(*c*) the animal, if female, is useful or likely to become useful for the purpose of giving milk or bearing offspring.

(*3*) Nothing in this section shall apply to the slaughter of any animal above the age of fifteen years for *bona-fide* religious purposes:

Provided that a certificate in writing for such slaughter has been obtained from the Competent Authority.

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, p. 299.

(*4*) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any order passed by a Competent Authority granting or refusing to grant any certificate under this section, call for and examine the records of the case and may pass such order in reference thereto as it thinks fit.

(*5*) A certificate under this section shall be granted in such form and on payment of such fee as may be prescribed.

(*6*) Subject to the provisions of sub-section (*4*) any order passed by the Competent Authority granting or refusing to grant a certificate, and any order passed by the State Government under sub-section (*4*) shall be final and shall not be called in question in any Court.

Prohibition of slaughter of animals in places not specified for the purpose.

6. No animal in respect of which a certificate has been issued under section 5 shall be slaughtered in any place other than a place specified by such authority or officer as the State Government may appoint in this behalf.

Power to enter and inspect premises.

7. (*1*) For the purposes of this Act, the Competent Authority or any person authorised in this behalf by the Competent Authority (hereinafter referred to as the authorised person) shall have power to enter and inspect any premises where the Competent Authority or the authorised person has reason to believe that an offence under this Act has been or is likely to be committed.

(*2*) Every person in occupation of any such premises shall allow the Competent Authority or the authorised person such access to the premises as may be necessary for the aforesaid purpose and shall answer to the best of his knowledge and belief any question put to him by the Competent Authority or by the authorised person.

Penalties.

8. Whoever contravenes any of the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

Offences under the Act to be cognizable.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences under this Act shall be cognizable. V of 1898.

Abetments and attempts.

10. Whoever abets any offence punishable under this Act or attempts to commit any such offence shall be punished with the punishment provided in this Act for such offence.

Persons exercising powers under this Act deemed to be public servants.

11. All persons exercising powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. XLV of 1860.

Protection of persons acting in good faith under the Act or rules.

12. No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Exemption under this Act.

13. Subject to any conditions prescribed in this behalf, this Act shall not apply to—

(*1*) any animal operated upon for vaccine lymph, serum, or for any experimental or research purposes at an institution established, conducted or recognised by the State Government:

(*2*) any animal or class of animals —

(i) slaughter of which is certified by a Veterinary Surgeon authorized in this behalf by the State Government to be necessary in the interest of the public health,

(ii) which are suffering from any disease which is certified by such Veterinary Surgeon as being contagious and dangerous to other animals.

Delegation of powers.

14. The State Government may, by notification in the *Official Gazette*, delegate—

(*1*) to any local authority, its powers and functions under section 4 within the local area subject to the jurisdiction of such local authority ;

(*2*) to any officer of the State Government, its powers and functions under sub-section (*4*) of section 5.

Power to make rules.

15. (*1*) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(*a*) the powers and duties of a Competent Authority, in addition to those provided in this Act ;

(*b*) the form of the certificate under section 5 ;

(*c*) the amount of the fee to be paid under section 5 ;

(*d*) the conditions subject to which the Act shall not apply to any animal under section 13 ;

(*e*) any other matter which is or may be prescribed.

(*3*) The rules made under this section shall be subject to the condition of previous publication in the *Official Gazette*.

Bom. LXXXI of 1948.

Repeal of Bombay Ammal Preservation Act, 1948.

16. The Bombay Animal Preservation Act, 1948, is hereby repealed :

Provided that :

(*a*) every appointment, certificate, application, order, rule, notification or recognition made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, certificate, application, order, rule, notification or recognition made, issued or given under this Act ;

(*b*) any proceedings relating to the trial of any offence punisnable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed in such proceedings shall be recovered under the Act so repealed.

SCHEDULE.

[Section 2 (*1*).]

Bovines (bulls, bullocks, cows, calves, male and female buffaloes and buffalo-calves).

THE BOMBAY CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1954.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title.

2-11. [*Amendments made by these sections have been incorporated in the Bombay Co-operative Societies Act, 1925.*]

BOMBAY ACT No. LXXIII OF 1954.[1]

[THE BOMBAY CO-OPERATIVE SOCIETIES (AMENDMENT) ACT, 1954.]

[*28th December 1954*]

An Act to amend the Bombay Co-operative Societies Act, 1925.

Bom. VII of 1925.

WHEREAS it is expedient to amend the Bombay Co-operative Societies Act, 1925, for the purposes hereinafter appearing ; It is hereby enacted in the Fifth Year of the Republic of India as follows :—

Short title.

1. This Act may be called the Bombay Co-operative Societie (Amendment) Act, 1954.

2-11. [*Amendments made by sections 2 to 11 have been incorporated in the Bombay Co-operative Societies Act, 1925.*]

Amendment made by section 4 to have retrospective effect.

12. The amendment made by section 4 shall be deemed to have been made on and to have effect from the 14th day of February 1952.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, Part V, p. 292.

BOMBAY REGULATION No. I OF 1954.

[THE ESSENTIAL SUPPLIES (TEMPORARY POWERS) (SCHEDULED AREAS) AMENDMENT REGULATION, 1954.]

[*20th October 1954*]

A Regulation to amend the Essential Supplies (Temporary Powers) Act, 1946, in its application to certain Scheduled Areas in the State of Bombay.

XXIV of 1946. WHEREAS it is necessary to amend the Essential Supplies (Temporary Powers) Act, 1946, in its application to certain Scheduled Areas in the State of Bombay for the peace and good government of the said areas;

Now, therefore, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is hereby pleased, with the assent of the President, to make the following Regulation, namely:—

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Essential Supplies (Temporary Powers) (Scheduled Areas) Amendment Regulation, 1954.

(*2*) It extends to the areas specified in the Schedule appended to this Regulation.

(*3*) It shall come into force at once.

Amendment of Essential Supplies (Temporary Powers) Act, 1946, in its application to certain Scheduled Areas.

XXIV of 1946. 2. The Essential Supplies (Temporary Powers) Act, 1946 (hereinafter referred to as the said Act) in its application to the areas specified in the Schedule appended to this Regulation shall be amended as follows, namely:—

(*1*) In section 2 of the said Act,

(*a*) after item (*ii*) of clause (*a*), the following items shall be inserted, namely:—

"(*iia*) raw cotton,

(*iib*) cotton seed,";

(*b*) after clause (*a*), the following clause shall be inserted, namely:—

"(*aa*) 'coal' shall include coke and other derivatives of coal;";

(*c*) after clause (*f*), the following clause shall be inserted, namely:—

"(*g*) 'raw cotton' shall include ginned cotton and unginned cotton or *kapas*;".

(*2*) After section 7 of the said Act, the following new section shall be inserted, namely:—

Forfeiture of certain property used in commission of offence.

"7A. Whenever any offence relating to cotton textiles or foodstuffs which is punishable under section 7 has been committed, the Court may, if the order made under section 3 so provides, direct that the packages, coverings or receptacles in which any property liable to be forfeited under the said section is found, and the animals, vehicles, vessels or other conveyances used in carrying the said property shall be forfeited to Government:

Provided that no Court trying an offence under this Act shall declare any such package, covering, or receptacle or any such animal, vehicle, vessel or other conveyance forfeited to Government, unless it is proved that the owner thereof knew that the offence was being, or was to be, or was likely to be, committed."

SCHEDULE.

(1) Navapur Petha and Akrani Mahal in West Khandesh District.

(2) The Satpura Hills reserved forest areas in East Khandesh District.

(3) Kalvan Taluka and Peint Petha in Nasik District.

(4) Dahanu and Shahapur Talukas and Mokhada and Umbergaon Pethas in Thana District.

BOMBAY REGULATION No. II OF 1954.

[THE BOMBAY LAND REVENUE (MEHWASSI ESTATES) (AMENDMENT) REGULATION, 1954.]

[*3rd December 1954*]

A Regulation to amend the Bombay Land Revenue Code in its application to the Mehwassi Estates which are Scheduled Areas in the West Khandesh District in the State of Bombay.

Bom. V of 1879. WHEREAS it is necessary to amend the Bombay Land Revenue Code, 1879, in its application to the Mehwassi Estates which are Scheduled Areas in the West Khandesh district in the State of Bombay, for the peace and good government of the said areas ;

Now, therefore, in exercise of the powers conferred by sub-paragraph (2) of paragraph 5 of the Fifth Schedule to the Constitution of India, the Governor of Bombay is, with the assent of the President, hereby pleased to make the following Regulation, namely :—

Short title extent and commencement.

1. (*1*) This Regulation may be called the Bombay Land Revenue (Mehwassi Estates) (Amendment) Regulation, 1954.

(*2*) It extends to the territory of the Mehwassi Estates specified in the Appendix annexed hereto.

(*3*) It shall come into force at once.

Application of Bombay Land Revenue Code with modification.

Bom. V of 1879. Bom. Reg. I of 1949. **2.** The Bombay Land Revenue Code, 1879, as modified in its application to the Mehwassi Estates by the West Khandesh Mehwassi Estates Regulation, 1949 (hereinafter referred to as the said Code), shall be further modified as follows, namely :—

In the said Code—

(*1*) after section 117-B, the following section shall be inserted, namely :—

Survey and classification made in certain villages in Mehwassi Estates to be valid.

"117BB. The survey of lands made in the villages comprised in the territory of the Mehwassi Estates as specified in Schedule F and in force at the date of the commencement of the West Khandesh Mehwassi Estates Regulation, 1949, shall be deemed to have been made in accordance with the provisions of this Chapter and shall continue to remain in force until a fresh survey of the said lands is directed by the State Government." ;

Bom. Reg. I of 1949.

(*2*) after Schedule E, the following Schedule shall be inserted, namely :—

"*Schedule F.*

(Section 117BB).

Kathi estate.

(1) Akkalkuwa Khurd.
(2) Akkalkuwa Budruk.
(3) Rajmol.
(4) Kewadamoi.
(5) Pimpripade.
(6) Gangapur.
(7) Anku hivihir.
(8) Sonapati.
(9) Khatkuwa.
(10) Wakadman.
(11) Koyalivihir.
(12) Kolvi.
(13) Kankala.
(14) Chantani.
(15) Kankali.
(16) Kakarpeda.
(17) Calotha Budruk.
(18) Calotha Khurd.
(19) Sorapada.

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Gangtha estate.

(1) Dabriamba.
(2) Ziribeda.
(3) Umji.
(4) Parodi.
(5) Nensevadi.
(6) Zepemali.
(7) Itwal.
(8) Khapar.
(9) Bemangaon.
(10) Nawagaon.
(11) Jawali.
(12) Kavamahu.
(13) Kawaligavan.
(14) Palaskheda.
(15) Chatwad.
(16) Rundigavan.
(17) Iangadi.
(18) Palipada.
(19) Wadgaon.
(20) Ranzaniwad.
(21) Dongripeda.
(22) Khokwad.
(23) Kenwada.
(24) Medi.
(25) Khanora.
(26) Kokatipada.
(27) Kolwan.
(28) Banipura.
(29) Khairpada.
(30) Kewadi.
(31) Uman.
(32) Umran.
(33) Chanolpur.
(34) Rathi.
(35) Cholikorali.
(36) Anghat.
(37) Gangtha.

Raisingpur estate.

(1) Digiambe.
(2) Navanagarmutha.
(3) Juna Negarmutha.
(4) Bhoyara.
(5) Chunchi.
(6) Vadli
(7) Kakadkhut.
(8) Lalpur.
(9) Raisingpur,
(10) Ukhalsang.
(11) Ambabari.
(12) Dasarapadar.
(13) Ghalepada.
(14) Udepur.
(15) Guleamber.
(16) Khadkuwa.
(17) Bongaripada.
(18) Pecharideo
(19) Umarkuwa.
(20) Nandara.
(21) Navagaon.
(22) Bhagud.
(23) Tavli.
(24) Porambi.
(25) Pana.
(26) Parodi.
(27) Pimparipeda.
(28) Panjani.
(29) Gevali.
(30) Talambe.
(31) Shindhave.
(32) Rampur.
(33) Palanbara."

APPENDIX.

[*See* section 1 (2).]

The villages belonging to—
(1) the Parvi of Kathi,
(2) the Parvi of Nal,
(3) the Parvi of Singapur,
(4) the Walwi of Gaohali,
(5) the Wassawa of Chikhli, and
(6) the Parvi of Navalpur,

in the West Khandesh District.